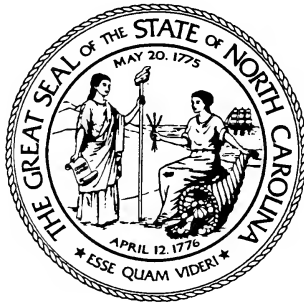


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**LEGISLATIVE
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SOLID WASTE MANAGEMENT



**REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION**

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
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RALEIGH 27611



December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on solid waste. The report was prepared by the Legislative Research Commission's Committee on Solid Waste Management pursuant to Part 11, Section 2.1(37) of Chapter 873 of the 1987 Session Laws (S.J.R. 362).

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen

Legislative Research Commission

1987-1988

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of solid waste was authorized by Section 2.1(37) of Chapter 873 of the 1987 Session Laws (1987 Session). That act states that the Commission may consider S.J.R. 362 in determining the nature, scope and aspects of the study. Section 1 of S.J.R. 362 reads in part: "The Legislative Research Commission is authorized to study long-term solutions to the management of solid waste in North Carolina...". The relevant portions of Chapter 873 and S.J.R. 362 are included in Appendix A. The Legislative Research Commission grouped this study in its Waste Management area under the direction of Senator Lura Tally. The Committee was chaired by Senator James D. Speed and Representative George W. Brannan. The full membership of the

Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

BACKGROUND

Traditionally solid waste management has been considered a local matter. Counties and municipalities voluntarily undertook the responsibilities of garbage collection and disposal in the days when "solid waste" was not in common usage. The State of North Carolina had no role in solid waste management until the 1930's when the Sanitary Engineering Division of the State Board of Health began to provide consultive assistance to counties and municipalities regarding garbage management. This practice continued until 1971. In 1968 a survey was conducted which revealed that there were 456 open dumps in North Carolina. Soon after in 1969, the General Assembly authorized the establishment of a State Solid Waste Management Program.. Chapter 899 of the 1969 Session Laws.

In 1971 the first State Solid Waste Management Rules were adopted. These rules primarily addressed vermin control and open burning at landfills. Nonetheless, the Solid Waste Management Program primarily remained directed toward providing technical assistance. In 1980 the Division of Health Services, Solid and Hazardous Waste Branch, within the Department of Human Resources, was granted authority to impose penalties upon sanitary landfill operators for violations of Solid Waste Management Rules.

During the years 1971 through 1987, the siting of landfills became increasingly difficult. A major criterion for siting is to locate a landfill in a discharge area near a sizeable stream. Many other geographic criteria must be

considered. Also, siting became more difficult because public awareness of environmental damage is resulting in litigation regarding proposed sites.

Over the years, the Solid Waste Management Rules have been revised periodically, becoming more and more stringent. In 1985, the Department of Natural Resources and Community Development adopted groundwater protection standards under the Department's rule making authority. These rules provide that the best usage of groundwater in the State is as a source of drinking water. Also, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the United States Environmental Protection Agency (EPA) to develop additional standards for landfills. These new EPA standards are to be finalized in the Spring, 1988. In anticipation of what these new EPA standards will require, the Solid and Hazardous Waste Management Branch began to require new landfills to be lined and established a policy to reduce the dependency on landfills by 90% by the year 2005.

What used to be an inexpensive service that counties and municipalities voluntarily provided to their citizens has become expensive, and will become much more expensive in the relatively near future. Many states in the nation are facing similar solid waste problems; solid waste management is a national problem. Some states, particularly those in the Northeast and the state of Florida, which faced tighter geographic restrictions regarding new landfills than North Carolina, have rewritten their solid waste legislation. The clear trend is for states, in the interests of protecting the health of their citizens and their environment, as well as economic growth, to choose to become more involved in solid waste management, to provide leadership to the counties within their state, and to provide financial assistance or incentives to the local governments.

COMMITTEE PROCEEDINGS

The Solid Waste Management Study Committee met on ten occasions on the following dates: November 19, 1987; December 17, 1987; January 25, 1988; February 24, 1988; March 21, 1988; April 25, 1988; September 8, 1988; October 20, 1988; November 15, 1988; and December 1, 1988. The Committee encouraged and received input from many of the landfill operators and county managers who face the swelling number of serious problems in the management of solid waste on a daily basis. The Committee is indebted to these people, to the members of the State agencies who participated on a regular basis, and to those who attended meetings regularly, for their contributions to the Committee's efforts. Appendix C lists the persons who appeared before the Committee.

November 19, 1987

At the first meeting an overview of solid waste management in North Carolina was presented. Committee Counsel Susan Iddings reviewed the North Carolina statutes that pertain to the regulation of solid waste and solid waste facilities. Article 9 of Chapter 130A of the General Statutes, entitled "Solid Waste Management," addresses both solid and hazardous waste. (Portions of Article 9 are contained in Appendix D.) Ms. Iddings distinguished solid waste from hazardous waste. Hazardous waste, as defined in G.S. 130A-290(4), is a solid waste or combination of solid wastes that are hazardous to human health. Hazardous waste is a subset, or special category of, solid waste. Low-level

radioactive waste is totally separate from solid waste and hazardous waste, and is in a different, distinct category. This Committee is charged to study only solid waste and "to study long-term solutions to the management of solid waste in North Carolina...". (See S.J.R. 362 in Appendix A.)

In G.S. 130A-291(a), the State designates the Department of Human Resources (DHR) as the regulatory agency for solid waste. The Department of Human Resources is directed to "maintain an appropriate administrative unit to promote sanitary processing, treatment, disposal, and statewide management of solid waste ... and establish the statewide solid waste management program, but also... to monitor and supervise...the activities and operations of units of local government implementing a permitted solid waste management facility...".

Mr. William L. Meyer, Head, Solid and Hazardous Waste Management Branch, DHR, presented an historical overview of solid waste management, concluding with currently available high-tech alternatives to storage and disposal of solid waste. DHR's goal is to reduce the State's dependence on landfills.

Mr. J. Gordon Layton, Solid Waste Unit Supervisor, DHR, related that of the 100 landfill sites in North Carolina, twelve to fifteen have less than two years remaining life, and thirty have less than five years remaining life. DHR's plan is to have no new landfills permitted under the old rules after five years and to reduce landfill dependence by 90% by the year 2005. Representative McAlister requested a list of landfills by county and the expected life of each landfill.

The Department of Natural Resources and Community Development (NRCD) also has a role in the permitting of solid waste facilities. Although

DHR has developed the permitting procedure governing solid waste facilities under the authority granted in Article 9 of Chapter 130A of the General Statutes. NRCD is involved in permitting the proposed site of a solid waste facility. The Environment Management Commission must review the plans and specifications of a proposed facility. Also NRCD is involved in determining whether a solid waste facility has had an adverse impact upon air quality or water quality, principally groundwater contamination. Dr. Ernest Carl, Deputy Secretary of NRCD, Mr. Perry Nelson, Chief of the Groundwater Section, NRCD, Mr. Odgen Gerald, Chief of the Air Quality Section, NRCD, and Mr. Gary Hunt, Acting Director of the Pollution Prevention Pays Program, NRCD, appeared before the Committee. Mr. Nelson said that the General Statutes provide little legislative authority for the regulation of groundwater. Mr. Gerald stated that incineration can reduce the volume of solid waste by 70% to 90%. Incineration is more expensive than landfilling and has its own environmental concerns. The emissions from incineration reduce air quality. State-of-the-art incineration equipment and methods exist that can control the pollutant emissions associated with mass burn incineration, but they are extremely expensive.

The Pollution Prevention Pays Program, as described by Mr. Gary Hunt, finds and promotes ways to reduce, prevent, recycle, or eliminate wastes before they become pollutants. The prevention effort addresses water and air quality, toxic materials, and solid and hazardous waste. The Pollution Prevention Pays Program brings together efforts to reduce pollution through technical assistance, research and education, and financial assistance in the form of grants, which provide matching funds up to \$5,000 of a \$10,000 project. Businesses and communities may apply for the grants. The program

coordinates waste reduction efforts with other State agencies, including the Solid and Hazardous Waste Management Branch, and the Governor's Waste Management Board.

Mr. Ed Regan, Assistant Director of the N. C. Association of County Commissioners and Ms. Laura Kranifeld, Assistant General Counsel for the N. C. League of Municipalities, both appeared before the Committee to represent the points of view of the counties and municipalities who are confronted with the escalating problems in solid waste management. Mr. Regan stated that counties have difficulty finding a suitable site for solid waste disposal due to regulations aimed at preserving groundwater quality. Cities are very concerned about groundwater resources. The County Commissioners and the League both urged the General Assembly to provide some type of financial assistance to cities and counties that are operating landfills. Both organizations support additional funding to State agencies so that they can provide a greater level of technical assistance to the counties and cities.

Mr. Phil Prete with the Institute for Environmental Studies at U.N.C., Chapel Hill, told the Committee that the Institute had received money from the Pollution Prevention Pays Program to produce a manual for local officials on options for reducing solid waste. The emphasis of the manual will be on identifying innovative technologies, policies, and programs that have proven successful in other parts of the country and presenting that information in such a way that communities can begin to establish solid waste reduction programs that are suited to their needs.

December 17, 1987

The Committee received the list of landfills throughout the State requested at the last meeting and subsequently compiled by DHR, indicating the remaining years of life for each. (See Appendix E.) The first page lists all counties in North Carolina that have landfills with a remaining life of two years or less. An adjustment is also shown in the case of landfills for which modification would increase the life of the landfill.

Mr. William Meyer, Head, Solid and Hazardous Waste Management Branch, DHR, told the Committee that he had been deluged with phone calls from landfill operators wondering where the money would come from. The State must protect the groundwater around a landfill to maintain drinking water standards. Lined landfills offer more protection than unlined landfill, but they are expensive. Incinerators are even more expensive. The disposal of solid waste in a conventional landfill costs \$10 per ton; in a high-tech landfill, \$20 to \$25 per ton; and in a waste to energy facility, \$45 to \$50 per ton.

Calls to Mr. Meyer from some of the counties in the State relate that the county will be faced with choosing between a bond issue for solid waste or a bond issue for education. It is critical to educate the public about the tremendous problems in solid waste disposal.

The Committee spent the remainder of the meeting hearing from a cross section of counties, from the eastern and western parts of the State, from rural counties and from urban counties. Hertford County was suspected of having groundwater contamination near its landfill. Mr. David Thompson, Hertford County Manager, related the experience of Hertford County, a small rural county with a solid waste budget of \$332,000 per year, as it tried to confirm the existence of contaminated groundwater. It was two years eleven months before contamination was confirmed. Mr. Thompson expressed frustration

with having to deal with two separate State agencies, DHR and NRCD, throughout the process. He recommended that the State have one point of contact regarding solid waste and increased staff to provide technical assistance regarding landfills, recycling, and resource recovery.

Buncombe County has been active in determining its future in solid waste management. Jon Creighton, Buncombe County Planning and Development, related Buncombe County's efforts in deciding what to do after the county landfill reaches capacity in two to three years. Landfill siting is particularly troublesome due to poor geographic conditions for landfills. Tipping fees have increased to \$13 per ton. Due to the increased costs of new landfills, Buncombe County has spent \$65,000 in developing a recycling center. It has purchased a tub grinder for \$50,000 to make compost from branches and limbs. It has also contracted with numerous consulting firms to determine the most viable long term options, such as incineration. Currently, Buncombe County is considering a Refuse Derived Fuel (RDF) facility, that is, an incinerator that generates power from solid waste. It will cost approximately \$20,000,000 for the RDF plant and up to \$50,000,000 if it is necessary to construct its own boiler and power generation system to burn the refuse derived fuel. Even so, the payback is questionable. Revenues from the sale of electricity from small generators have dropped in the last few years. The State could assist by letting counties know what air-quality regulations will apply to incinerators in the future.

Mecklenburg County has done much in developing a comprehensive solid waste management program for the county that will address its needs over the next twenty years. Its program includes recycling, waste-to-energy and other resource recover facilities, and landfills. The City of Charlotte and

Mecklenburg County have entered into an interlocal agreement, which assigned the responsibility for solid waste disposal to Mecklenburg County. A three-phase recycling program has been adopted. Phase I is underway and includes curbside collection in selected areas. The county hopes to reach a 30% recycling goal by the year 2006. One waste-to-energy facility is under construction; another is under consideration. In 1983 voters approved a \$13,520,000 general obligation bond to finance the facility that is under construction. The total capital cost of solid waste management plan over the next five to ten years is expected to be \$178,000,000. A public education program is included in the budget.

Mr. Cary Saul, Deputy Director of Solid Waste for Mecklenburg County, emphasized the need for a centralized clearinghouse for information. Mecklenburg County has hired an additional staff person to answer the inquiries that come to them from other counties and cities in the State.

Mr. J. Donald Smith, Superintendent of Sanitation, reported that the City of Greensboro's municipal landfill consists of 500 acres and has a five-year life expectancy. He anticipates the liner requirement will double the City's annual operating cost. He believes liners only prolong the onset of environmental problems. Liners wear out and deteriorate over time. However, the cost of incineration is astronomical; construction could cost \$100,000 or more per design ton and a total cost to the City of Greensboro of \$92,000,000 to \$100,000,000. Residue ash could total approximately 24,000 tons per year, and it might be considered hazardous waste, subject to disposal by Hazardous Waste Management Rules. Mr. Smith recommended the exploration of shared funding between the State and local governments. State bonds, grants, or matching funds. He also urged that a communication system be established to

keep local authorities informed and increased staffing of the Solid and Hazardous Waste Management Branch.

Mr. Earl Bonner, Beaufort County Engineer, summarized by saying that Beaufort County needs State government to provide information, cooperation, and consistency. The problem of solid waste is not just a local problem, but a State and a national problem.

Mr. Larry Carter, Director, Cumberland County Solid Waste Management, believes that there is a great need for technical assistance. Also, citizens need to be educated so that they know that what they throw into landfills may create hazardous waste. Cumberland County is doing some recycling, extracts cardboard from the landfill for resale, and shreds waste tires.

January 25, 1988

The Committee heard from two more counties, Johnston and New Hanover Counties, and the City of High Point.

Mr. Richard Self, Johnston County Manager, stated that there are shortcomings in the State's groundwater regulations. Landfill siting is a tremendous problem. A county has no control over where a landfill is located. Johnston County was denied permission from the Solid and Hazardous Waste Branch, DHR, to use a geotechnical fabric cover on its landfill in place of the six inch dirt cover presently required on a daily basis. Johnston County was told this innovative product was not approved as yet. Mr. Self recommended the use of regional landfills and incinerators. State grants or no interest loans to local governments, and guidance from the State.

The City of High Point is not facing an impending crisis regarding landfill space. Mr. Carl Wills, Director of Public Works, said High Point has used a

forty ton per hour pulverizer since 1972 to grind garbage; this has doubled the life of its landfill. It is currently mining methane gas from its landfill. The City sells the gas to an asphalt company. Revenues of \$145,000 per year are anticipated. Also, the City is seeking approval from DHR to codispose sewage sludge and municipal solid waste. Sewage sludge greatly expedites the production of methane gas. Mr. Wills would like to see the State, with the City of High Point, conduct research on liners, geomembranes, and codisposal of sludge and waste. He also would like the Solid Waste office in DHR to be vastly expanded.

New Hanover County was involved in an investigation of alleged groundwater contamination that thus far has cost the County \$650,000. The County's search for a new landfill site was highly publicized in the local press. New Hanover County chose instead to build the first incinerator in the State, funded by a \$12,000,000 bond referendum. Since 1984 the County's resource recover facility, which generates steam, has reduced the volume of solid waste by 85%. Due to increased generation of solid waste, the County Commissioners have agreed to expansion of the facility.

The recommendations of Mr. Church of the New Hanover County Department of Engineering include regional facilities, State funding for county programs, regional recycling and waste reduction programs, and legislation that addresses problem waste: waste tires, used batteries, waste oil and appliances (so-called "white goods").

Mr. Blair Pollock, Recycling Coordinator for Orange County, and Mr. Bill Holman, Lobbyist for the Conservation Council of North Carolina and the North Carolina Chapter of the Sierra Club, addressed the Committee. According to Mr. Pollock, promotion of recycling must be balanced with

collection, marketing, and manufacturing. A recycling program can reduce the waste stream by 30% to 40%. Institutional food can be recycled. The State could provide a leadership role by requiring State offices to participate in a recycling program and by requiring the State to purchase recycled goods. Mr. Pollock suggested innovative legislation such as the container deposit laws enacted in other states. A research agenda for the university system also is needed.

Mr. Holman thinks the General Assembly should approach solid waste much as it approaches hazardous waste. He recommended the following priorities for managing solid waste: prevention and reduction, recycling and reuse, treatment, recovery and incineration, and, lastly, disposal. Further, the State should expand its role. Old landfills and debris landfills should be recorded on property deeds, in the same manner as are new landfills. The disposal of ash from incineration needs to be addressed. He suggested the development of air quality regulations before any other incinerators are built.

Susan Iddings, Committee Counsel, concluded the meeting with a report of solid waste legislation in other states. The trend is for states to develop comprehensive solid waste programs. At least fourteen states have legislation that promotes or requires recycling. Recycling goals vary from 25% to 50%. One recycling authority stated that a 70% recycling goal could be achieved, but only if certain packaging was banned or heavily taxed.

February 24, 1988

This meeting brought together representatives of each of the other two State agencies that are involved in a substantial way in some aspect of solid waste management, the Department of Commerce and the Department of

Transportation, and a third program that was created by the General Assembly. DHR is the main regulatory agency regarding solid waste. NRCD also is involved in the permitting process. However, the Energy Division, Department of Transportation, added municipal solid waste to its Resource Recover Programs in 1983 in conjunction with the opening of the first waste-to-energy plant in New Hanover County. The Energy Division's efforts are presently confined to technology transfer in the areas of recovering, production, or conserving energy from municipal solid waste. In the future, the Division will consider recycling programs, methane gas recovery, and tire disposal programs.

The Department of Transportation administers the State Keep America Beautiful Program. Originally a program that went into the arena of solid waste only to the extent of trying to fight litter along the State's highways, Keep America Beautiful Programs have expanded to include recycling. Now each of the twenty-four counties participating in a Keep America Beautiful Program also has started a recycling effort.

The General Assembly created the North Carolina Energy Development Authority (EDA), Chapter 652 of the 1983 Session Laws. The EDA was conceived to be a self-sustaining authority, and it has received no State funding. EDA was established to accelerate government investments in effective energy improvements. EDA can enter into joint ventures with local governments and the federal government. EDA has access to off-budget financing for certain activities. EDA offers financing, construction administration, and operation and maintenance of waste-to-energy projects. Accomplishments to date have been hampered by lack of legislative financing.

Mr. Don Willhoit of the Triangle J Council of Governments, appeared before the Committee to report Triangle J's efforts in the area of solid waste. Triangle J has appointed a Solid Waste Management Team, known as "Partners in Trash," which has set two long-term goals: to reduce solid waste disposal in landfills by 25% and to divert hazardous materials from landfills to recycling or hazardous waste disposal programs. Partners in Trash will also place emphasis on recycling and recovery, and on education to increase public awareness on local solid waste issues.

Mr. Johnnie Braxton, President, Tire Recovery, Inc., related the problems presented by waste tires in solid waste disposal. Waste tires occupy 7.2 cubic feet per uncut tire. Waste tires serve as breeding grounds for mosquitos. Disease carrying mosquitos pose a health threat. Tires burned in a landfill tend to "float" to the surface. Further, once a large number of waste tires begin to burn, the fire is almost impossible to extinguish. The burning tires release petroleum content, thereby contaminating water supplies.

The most effective use of waste tires at present is to shred the tires and use the shredded rubber as a fuel additive for paper plants. Mr. Braxton's company collects used tires at disposal sites and transports the waste tires to a rubber plant near Atlanta, Georgia, for this use.

Dr. Richard Rust, Assistant Professor of Civil Engineering at N. C. State University, addressed the new EPA standards relating to municipal landfills, which should be finalized by April, 1988. The EPA estimates that the majority of existing landfills will be affected by these new rules. Dr. Rust requested that the State involve the University and seek their technical support.

Lastly, Ms. Susan Iddings, Committee Counsel, provided an analysis of Chapter 764 of the 1975 Session Laws, included in Appendix D. Since 1975

North Carolina has allowed a deduction for the cost of recycling equipment or facilities against capital stock, surplus, and undivided profits in calculating the corporate franchise tax. The cost also may be taken as a deduction in computing taxable income. Further, this recycling equipment or facilities can be excluded from the property tax base. DHR certifies compliance with the conditions for the tax benefits.

March 21, 1988

The Committee brought back three counties it had heard from at earlier meetings: Johnston County, Buncombe County, and Mecklenburg County. They were called back to provide specific information. Burke County was heard from for the first time.

Burke County related its experience with feasibility studies. As a smaller, rural county with serious solid waste problems, Burke County sought the aid of paid consultants. One engineering firm, which conducted a feasibility study, concluded that incineration (a steam generation facility) was economically feasible in Burke County. Indeed, Burke County was told that they could make money from garbage. A similar study was conducted by a second consultant with a different result. A third consultant was hired to study the steam reports and thermal energy use. This cost-analysis study concluded that the project would need the financial support of \$20 per ton tipping fees and a loan requiring the full faith and credit of the County. Burke County spent \$250,000 in consultant fees and still did not know what the proposed facility might actually cost. The situation remains unresolved.

Mr. Haynes, Burke County Manager, said one of the problems is that too many tax dollars are spent "reinventing the wheel in incineration technology."

There is a confusing number of agencies within State government, which assist local governments with solid waste problems: the Solid and Hazardous Waste Branch, DHR; the Division of Energy, Department of Commerce; the Division of Environmental Management, NRCD; the Office of State Construction; and still another on the fringe of State government, the EDA. An information clearinghouse is desperately needed to coordinate all the information and all the agencies involved.

Mr. Richard Self, Johnston County Manager, reported that since his last appearance before the Committee, negotiations for the construction of a regional facility had begun between Johnston, Wayne, and Duplin Counties and a firm which constructs waste-to-energy systems, Enerco Systems, Inc. The need for the waste that feeds the facility to be "clean" poses a problem. A complicated separation process would be required to ensure that only paper and wood products are used. On the one hand, with this facility the cost of handling solid waste still would increase and the need for landfills would decrease only slightly. On the other hand, incinerators operating on clean waste have a longer lifespan than other incinerators.

Mr. Jim Phillips, County Planner, Buncombe County, was asked to present the economics of solid waste disposals in Buncombe County. Buncombe's recycling efforts to date cost the equivalent of \$13.30 per ton. The County tipping fee is \$13.00 per ton. Volume reduction or recycling programs are not usually revenue generating. The benefit to the community is the conservation of landfill space and the conservation of natural resources.

Mr. Paul Morris, Waste Energy Coordinator, Mecklenburg County, and former consultant to the N. C. Alternative Energy Corporation, the private counterpart of EDA, was asked to present the economics of solid waste

management in Mecklenburg County. His cost projections addressed landfill projects, recycling projects, and waste-to-energy projects. Charlotte's voluntary curbside recycling program has received an excellent response. The people in the 9,000 home "trial" have responded overwhelmingly to source separation. The cost of \$99,000 per year to Epply Associates, a public relations firm, for promoting this program "has been worth every penny."

In summary, Mr. Morris stated that the full impact of solid waste management problems and the high associated costs are going to fall on all communities in North Carolina in the next five years. He predicted that this is going to provide a "profit bonanza" to consultant and engineering firms. Most counties cannot afford the level of expense that will be thrust upon them through the requirements for managing municipal solid waste. Mr. Morris is completely in favor of funding technical informational programs, but feels very few counties have read or taken action on the pamphlets and information provided by the Energy Division and the N. C. Alternative Energy Corporation. Funding must be provided for technical training, but this training must be accompanied by on-site technical assistance. The Energy Development Authority can negotiate on a competitive basis for multiple feasibility studies. This is preferable to each county going to a consulting firm. Mr. Morris thinks a 70% savings could be obtained this way.

The Pollution Prevention Pays Program and the N. C. Association of County Commissioners reiterated their recommendations to the General Assembly for State assistance and needed legislation regarding solid waste. Mr. Gary Hunt, Pollution Prevention Pays, offered the following recommendations:

- (1) Expand the Pollution Prevention Pays Program.

- (2) Evaluate and change the State procurement procedures to encourage the purchase of products from recycled materials. This may require legislative changes to be put into place.
- (3) Establish a revolving loan fund to assist businesses and local governments in implementing waste reduction projects.
- (4) Establish a recycling program for State government for the paper and other waste products it generates.
- (5) Develop procedures to coordinate the various technical assistance activities conducted by State Government.

Mr. Ed. Regan, N. C. Association of County Commissioners, agreed with the need to establish a revolving loan fund. He added that the State should:

- (1) Provide clear direction on issues of air quality and disposal of ash from incinerators;
- (2) Establish an information clearinghouse;
- (3) Increase staff of the State agencies involved; and
- (4) Continue this Committee's work.

Ms. Iddings, Committee Counsel, reported that loan and grant programs in other states are more likely to be successful when the public is made aware of the significance of solid waste recovery activities. The absence of markets is a major roadblock to recycling, and continuous funding mechanisms at the State level are preferable to annual appropriations.

April 25, 1988

This was the Committee's last meeting before the 1989 General Assembly (1988 Regular Session) convened on June 2, 1988. Mr. William Meyer, Section Chief, Solid Waste Management Section, DHR,¹ recommended that something be done during the 1989 Session of the General Assembly (1988 Regular Session) by the State regarding solid waste to provide leadership or direction; the Committee should not wait until the 1989 General Assembly meets. Mr. Meyer reached this conclusion after conferring with landfill operators, county commissioners, county managers, and private consultants across the State. The Solid Waste Branch, DHR, planned to submit a supplemental budget request during the summer session for additional staff to provide technical assistance, to research alternative solid waste management methods, and to address other strongly felt needs. Mr. Meyers believes solid waste should be considered a utility in the same manner water and sewer are utilities.

Mr. S. Leigh Wilson, Executive Director, North Carolina Commission on Jobs and Economic Growth (Jobs Commission) commended the Committee for its work. The Jobs Commission will report to the 1989 General Assembly. Its report will include recommendations regarding solid waste management. The Jobs Commission has concluded that the proper management of solid waste will be linked to the State's future prospects for competing with other states for economic development. Mr. Wilson presented the following recommendations to the Committee:

1 On January 1, 1988 the Solid and Hazardous Waste Management Branch was elevated to section status. It is now the Solid Waste Management Section. Under this reorganization, solid waste and hazardous waste are in separate administrative units - the Solid Waste Branch and the Hazardous Waste Branch, both in DHR under the Solid Waste Management Section. New titles and names of administrative units will be used throughout the remainder of this report.

(I) The Solid Waste Management committee of the Legislative Research Commission, as well as members of the 1989 Session of the General Assembly are urged to identify achievable Statewide standards, policies, and satisfactory alternatives that will provide immediate assistance to local governments in dealing with the increasingly difficult solid waste problems.

(II) State options for avoiding a solid waste disposal crisis should include the following:

- (1) Encourage regional waste incinerators and landfills.
- (2) Strengthen siting requirements to protect groundwater from contamination.
- (3) Provide research, technical assistance, and educational activities throughout the State to counties and municipalities and appropriate the funds needed for the 1989-91 biennium.
- (4) Expand the staff of the Solid Waste Branch. Currently, due to the small staff size, the Branch is able to reach only proposals by counties. It cannot take an active role in waste planning.
- (5) Institute mandatory recycling in larger metropolitan areas.
- (6) Raise tipping or user fees for dumping at landfills to more accurately reflect the cost of disposal of waste in the ground.

- (7) Provide State financial aid to assist counties in developing "high tech" landfills and financing solid waste capital expenditures.

As reported by Mr. William Paige, Supervisor for the Technical Assistance/Support Unit (TASU), Hazardous Waste Branch, Solid Waste Management Section, DHR, certain waste issues are the concern of both the Solid Waste Branch and the Hazardous Waste Branch. Two examples are waste batteries and used oil. Used oil from homeowners is generally a hazardous waste from a chemical analysis point of view; however, the oil is generated by homeowners, who are exempt from the hazardous waste regulations. It is usually disposed of with household trash. Once in the landfill the potential to contaminate groundwater exists. Even though no liquids should be disposed of in a sanitary landfill, it is impossible to check every homeowner's trash. Many calls from homeowners wanting to know a safe place to take their used oil has prompted TASU to plan a pilot waste oil collection program.

Mr. James Heimburger, Program Director, Carolinas Glass Recycling Program, told the Committee of his nonprofit organization's efforts to promote multi-materials recycling in North and South Carolina. This program is sponsored by glass containers manufacturers and, unlike other recycling programs, promotes recycling the same item repeatedly until it can no longer be recycled. Motivation and convenience affect people's willingness to go out of their way to recycle.

Ms. Karen Jack, Research Associate, Department of City and Regional Planning, U.N.C., Chapel Hill, sent each of the 100 counties in the State a survey form to complete. State policy needs as determined by the survey

results closely follow other recommendations submitted to the Committee. Ms. Jack offered a new recommendation: For regional efforts to work, participation must be mandatory - "pullout" should be prohibited.

Mr. Phillip Prete, Institute for Environmental Studies at U.N.C., believes a revolving loan fund should "have strings attached." He also interprets the involvement of the EPA acknowledgement of a national solid waste crisis.

Senator Wanda Hunt previously had questioned whether petroleum overcharge funds could serve as a source of funds for solid waste projects. After preliminary investigation by staff, this suggestion appears plausible and merits further investigation. The Committee reviewed and discussed a draft bill to establish a solid waste management revolving loan fund to provide low interest loans to units of local government for solid waste projects. (Current version is in Appendix H.) Representative Brannan stated that this bill cannot be presented as a Committee recommendation; it has to be presented by an individual as an appropriation bill. The Committee wanted to go on record as supporting the concept of a revolving loan fund.

September 8, 1988

This was the first Committee meeting after the adjournment of the 1987 General Assembly (1988 Regular Session). During the Session, Representatives Brannan and Greenwood had introduced a bill to establish a Solid Waste Management Revolving Loan Fund, H.B. 2247, and Senators Speed and Wanda Hunt had introduced a companion bill in the Senate, S.B. 1573. Both bills were well received. S.B. 1573 passed the Senate, but did not get out of the House Appropriations Committee. Money was very tight during

the summer session. DHR's supplemental budget request also failed to receive funding.

The Committee shifted its focus from gathering information to seeking solutions. Dr. Ron Levine, State Health Director, addressed the Committee at the September 8 meeting. He presented an overview of what he perceives as a crisis in solid waste management that has heightened since the adjournment of the 1987 General Assembly (1988 Regular Session) in August 1988. The draft EPA rules are expected to exacerbate the crisis. He urged the Committee to prioritize the issues before the Committee and to increase the public's awareness of the mounting problems. Dr. Levine finds it imperative that this Committee continue for at least another biennium.

Mr. J. Gordon Layton, Supervisor, Solid Waste Branch, reviewed the long awaited proposed revisions to criteria for municipal solid waste disposal landfills, that is, the new EPA proposed guidelines for municipal landfills. These new proposed rules just recently became available.

The presentation focused on Part 258 Criteria, which deals with new and existing municipal landfills. A sixty day comment period follows; the rules will go into effect eighteen months after they are adopted. Mr. Layton said that copies of these new rules would be sent to each county manager, landfill and facility contact person, and anyone else on their mailing list.

The new EPA rules will have a major impact on the day to day operation of landfills. Procedures for excluding the receipt of hazardous waste will have to be developed. Local governments are required to initiate their own monitoring programs with explosive gases' controls. Leachate and gas condensate from the units will be allowed to be recirculated only if the units have a composite liner and a leachate collection system. Recordkeeping

requirements are going to have a large impact on all of the landfills, most of which currently have no method of record keeping.

If a facility is operating within eighteen months after these rules are finalized, the operator will be required to submit a closure plan and postclosure plan after that eighteen month period. For those existing facilities, the closure requirements will be to install a top liner. For new facilities, the closure requirements are designed to minimize the need for maintenance after closure and minimize the release of leachate explosive gases to air, groundwater, and surface water. A county will have to obtain a qualified party to certify to the State that its landfill is closed in accordance with the closure rules.

Recommendations for State action or needed legislation predominated the remainder of the meeting. Dr. Ernie Carl, Deputy Secretary, NRCD, stressed conservation (no waste is generated), public education, and recycling. Dr. Carl believes incineration is not a good alternative because of the potential to pollute the air by producing toxic ash and gas. However, incineration, as a practical matter, is needed.

Mr. Ed Regan, N. C. Association of County Commissioners, observed that if the proposed EPA rules are implemented, the cost of building and maintaining landfills will increase significantly. The proposed rules may encourage early closure of many existing landfills to avoid long-term legal liability. Many of the EPA rules were anticipated by our State regulatory agencies.

Ms. Sandi Maurer, President, North Carolina Recycling Association and Solid Waste Program Planner for the Land-of-Sky Regional Council in Asheville, North Carolina, introduced the Committee to the newly established

North Carolina Recycling Association. The Association's mission is to provide education, technical assistance, research, and analysis in the area of recycling.

Mr. Bill Holman, environmental lobbyist, urged the Committee to consider three areas.

- (1) Overhaul the Solid Waste law in North Carolina, with emphasis on prevention, reduction, and recycling. This comprehensive law should specify the role of local government and provide encouragement for county planning. The General Assembly should set goals for a State purchasing contract.
- (2) Appoint a subcommittee to work on drafting a comprehensive solid waste bill for next session.
- (3) Provide State financial assistance to expand the staff of the Solid Waste Branch.

The Committee received a brief summary of the recently enacted Florida solid waste legislation, which represents a complete overhauling of their solid waste statutes. The Committee received a copy of a newspaper article that appeared in the June 16, 1988 "Wall Street Journal," entitled Burning Issue, which wages incinerator critics against incinerator proponents. Critics warn that waste-to-energy plants could be to municipalities what nuclear plant building was to electric utilities in the 1970's. Three billion dollars worth of waste recovery plants have been scrapped in the past eighteen months.

October 20, 1988

The Committee began to concentrate on what specific recommendations to include in the Legislative Research Commission Report to the 1989 General

Assembly. Half the meeting was spent reviewing and discussing eight draft bills. (Final versions of these drafts are Appendices F-M.) Representative Brannan asked the members of the Committee to study all the draft bills before the next meeting.

Mr. S. Leigh Wilson, Executive Director, North Carolina Commission on Jobs and Economic Growth, appeared before the Committee a second time to briefly summarize the Jobs Commission's recommendations made to this Committee in April 1988. Mr. Wilson said that the Jobs Commission recognizes that failure to take assertive steps in solid waste management will be a definite deterrent to economic growth in North Carolina.

Mr. Johnnie Braxton, President, Tire Recovery, Inc., recommended legislation that would impose a one dollar fee per license tag for the purpose of funding the uniform disposal of waste tires at a designated place. Tire dealers are opposed to a tipping fee on waste tires haulers. Several landfill operators in the audience voiced opposition to Mr. Braxton's proposal. Senator Speed asked Mr. Braxton why the one dollar fee should not be paid at the time of purchasing a new tire, as several other states have chosen to do. Mr. Braxton believed a deposit on new tires was burdensome on the small businessman.

Many persons appearing before this Committee have said that it is difficult to deal with two separate agencies regarding permitting and the determination of groundwater contamination. The Committee requested a report from Mr. George Givens, Committee Counsel to the Environmental Review Commission, which is specifically charged to address consolidation of the environmental agencies. According to Mr. Givens, the Environmental Review Commission has voted to pursue consolidation.

A member of this Committee, Mr. Michael Brenner, President of Brenner Iron and Metal Company, conveyed the concern of scrap metal processors over the country regarding restrictions on the disposal of residues created during the recycling of old appliances. Old appliances that were manufactured before 1979 and that contain capacitors have polychlorinated biphenyls (PCB's) inside the capacitor. In the process of recycling appliances and other scrap metal goods, plastic, rubber, dirt, and other waste is separated from the scrap metal after the shredding process. A residue known as "fluff" is formed and must be disposed of by the scrap processors in a landfill. Recently, fluff has been tested and in some instances found to contain more than fifty parts per million PCB's. The EPA now requires fluff containing more than fifty parts per million PCB's to be disposed of in special landfills or incinerators. The end result: many processors require the removal of capacitors before handling; other refuse to handle any appliances. The Institute of Scrap Recycling Industries has recommended that industry members no longer process appliances. The potential legal consequences of unauthorized handling of PCB's permit no reasonable alternative.

November 15, 1988

Before moving on to the main business of solidifying the Committee's recommendations to be included in the Legislative Research Commission to the 1989 General Assembly, the Committee heard two brief presentations. As presented by Mr. Bobby Guyton, Vice President of Waste Solutions Development Corporation, and Mr. Ted Hill, Executive Vice President, National Ecology, Inc., from Timonium, Maryland, the use of state-of-the-art mechanical separation techniques can result in the recovery of up to 86% of

the incoming waste stream. Glass, aluminum, and ferrous metal materials are separated out and sold for reuse. Waste tires are shredded and burned as a fuel additive to fuel the waste-to-energy component of the system, which generates energy. Mr. Hill said this process eliminates the need for source separation in the home prior to curbside pick-up. Their system performs the separation.

Battery Council International has proposed model legislation regarding the treatment of waste batteries, which:

- (1) Prohibits the improper disposal of waste batteries;
- (2) Establishes a mechanism whereby waste batteries are accepted by the seller at the time a new battery is purchased and forwarded by the seller to the battery manufacturer for recycling; and
- (3) Provides state authority to oversee the program.

Two members of the battery industry, Mr. Kirk Rife of Douglas Battery Manufacturing Company and Mr. Mark Pegram of Johnston Controls Battery Group, both endorsed this legislative proposal. Mr. Jim Chandler, Regional Automotive Merchandising Manager, Sears, offered his support of the model legislation. Sears already accepts used batteries as well as used tires. They would be in compliance with such a program now.

Representative Brannan led the Committee through each draft bill presented for consideration by the Committee, one by one. The Committee spent the most time discussing a bill to give preference to the purchase of products with recycled content in State and local government purchasing pursuant to Articles 3 and 8 of Chapter 143 and Article 2 of Chapter 136. It was the eventual consensus of the Committee that the State needed to assume a

leadership role in recycling and that a State procurement policy would accomplish this end. A State procurement policy would provide a needed market for recycled goods. Hopefully, paper plants in North Carolina would view this policy as an incentive to recycle paper. (See Appendix I.)

The N. C. League of Municipalities and the N. C. Association of County Commissioners had met regarding their disagreement over how to change a current law affecting counties and municipalities. The law at issue prohibits a county from charging municipalities in that county a disposal fee at the county landfill, when the landfill was financed with countywide property taxes. The League and the Association came up with wording acceptable to them. The Committee agreed that the current language of the law needed to be changed and approved the language agreed to by the League and the Association. (See Appendix L.)

The proposed legislative recommendations, some as amended, received the Committee's approval for inclusion in the report to the 1989 General Assembly. Representative Brannan concluded the meeting by stating that this Committee had tried to bring together as much information as possible bearing on solid waste in North Carolina and to educate both county officials and the public as to the seriousness of the problem. He is pleased with the results. Senator Speed thanked Cochairman Brannan, the members of the Committee, and the State agencies for their input and their concern.

December 1, 1988

Dr. Linda Little, Executive Director of the Governor's Waste Management Board, informed the Committee that the Governor's Waste Management Board

would be recommending that it include solid waste in its charge. She commended the Committee on its work regarding solid waste.

The Committee reviewed the draft report to the 1989 General Assembly. Ms. Edith Marsh, a lobbyist, submitted an amendment to the bill having the short title "Various Solid Waste Ordinances." She stated that an amendment is needed to protect those businesses that currently sell scrap materials rather than discard them. The Committee decided, in the interests of time and because this bill, if introduced, could be amended in committee, not to amend the bill at this time. The Committee adopted the draft report for transmittal to the Legislative Research Commission. The Committee's findings and recommendations follow. See Appendices F through M for recommended Legislative Proposals.

COMMITTEE FINDINGS AND RECOMMENDATIONS

RECOMMENDATION #1: THE GENERAL ASSEMBLY SHOULD ESTABLISH A STATE POLICY REGARDING SOLID WASTE MANAGEMENT. (See Legislative Proposal #1, Appendix F.)

Findings: North Carolina faces a crisis in the near future in solid waste management due to a shortage of landfill space, an increased risk of contamination of the groundwater, and stricter federal regulations, which will be much more expensive for counties to comply with. More effective management of solid waste is necessary to protect the public health and safety, to protect the environment, and to protect the long term economic well-being of the State. The interests of the State are served by the proper voluntary management of solid waste by units of local government; therefore, it is in the best interests of the State and its citizens to develop a State solid waste management policy that will provide guidance to units of local government and assist them in developing their own comprehensive solid waste management programs.

It should be the policy of the State to promote methods of solid waste management that are alternatives to landfilling and to assist units of local government with solid waste management. The following hierarchy of methods of solid waste management should be established, in descending order of preference:

- (1) Waste volume reduction at the source;
- (2) Recycling and reuse;
- (3) Composting;
- (4) Incineration with energy production;
- (5) Incineration for volume reduction;
- (6) Disposal in landfills.

It should also be the policy of the State to encourage research into innovative solid waste management methods and to encourage regional solid waste management projects. To further this policy, the State should:

- (1) Establish a minimum 25% recycling goal for the State to attempt to accomplish by January 1, 1993;
- (2) Require State agencies to develop a plan to participate in meeting the State's recycling goal;
- (3) Require the State to give preference to the purchase of products with recycled content; and
- (4) Require each county to develop a comprehensive solid waste management program for the county by January 1, 1992.

The State should complete the development of a State comprehensive solid waste management program by January 1, 1991. This State program should provide a framework for the county program.

RECOMMENDATION #2: THE GENERAL ASSEMBLY SHOULD APPROPRIATE FUNDS FOR THE STAFF NEEDS OF THE SOLID WASTE BRANCH OF THE DEPARTMENT OF HUMAN RESOURCES.

(See Legislative Proposal #2, Appendix G.)

Findings: The Solid Waste Branch of the Department of Human Resources does not have sufficient staff to meet current demands regarding permitting and technical assistance. The Solid Waste Branch needs fifty additional staff members over the 1989-91 biennium to expedite the permitting process, to provide additional technical assistance, to research waste reduction, handling, and other alternatives to landfilling, to establish a clearing house for information, to hire a public health educator, to train recycling coordinators, and to propose new technology and innovative solid waste projects.

RECOMMENDATION #3: THE GENERAL ASSEMBLY SHOULD ESTABLISH THE SOLID WASTE MANAGEMENT REVOLVING LOAN FUND TO PROVIDE LOW INTEREST LOANS TO UNITS OF LOCAL GOVERNMENT FOR CERTAIN SOLID WASTE MANAGEMENT PROJECTS. (See Legislative Proposal #3, Appendix H.)

Findings: Many units of local government do not have the resources to meet the stricter federal rules regarding landfills and do not have the resources to implement alternative methods of solid waste management. The Committee recognizes that solid waste management projects at a local or regional level are needed to preserve the quality of North Carolina's groundwater and for North

Carolina to remain competitive with other states in economic development. The General Assembly should establish a solid waste management revolving loan fund to provide low interest loans to those units of local governments who are trying to address their solid waste problems, but simply do not have the funds to do so.

The General Assembly should appropriate ten million dollars (\$10,000,000) for each of the 1989-90 and the 1990-91 fiscal years.

RECOMMENDATION #4: THE STATE OF NORTH CAROLINA SHOULD PROMOTE, AS A MATTER OF POLICY, THE USE OF PRODUCTS WITH RECYCLED CONTENT IN STATE PURCHASING BY GIVING A PREFERENCE TO THE PURCHASE OF PRODUCTS WITH RECYCLED CONTENT AND TO CONTRACTORS WHO USE PRODUCTS WITH RECYCLED CONTENT. (See Legislative Proposal #4, Appendix I.)

Findings: The Committee finds that recycling will play an increasingly important part in future solid waste management programs. The State should take a leadership role in the State's efforts to encourage recycling by establishing a State procurement policy that favors the use of products with recycled content.

The preference to the purchase of products with recycled content and the use of contractors who use products with recycled content should extend to each State agency authorized to purchase products or contract for services and for

any county, city, town, governmental entity, and other subdivision of the State and public agency which uses State funds for its expenditures.

RECOMMENDATION #5: THE SOLID WASTE BRANCH SHOULD BE DESIGNATED BY THE GENERAL ASSEMBLY AS THE CENTRAL CLEARINGHOUSE FOR INFORMATION REGARDING SOLID WASTE MANAGEMENT. (See Legislative Proposal #5, Appendix J.)

Findings: Widespread confusion exists as to where to go in State government to receive information and technical assistance regarding a solid waste issue. Four different State departments, the Departments of Human Resources, Natural Resources and Community Development, Commerce, and Transportation, are involved in some significant aspect of solid waste management; each one attempts to provide some level of information or technical assistance. The Solid Waste Branch of the Department of Human Resources should be designated as the central clearinghouse for information regarding solid waste management.

RECOMMENDATION #6: THE GENERAL ASSEMBLY SHOULD MAKE IT CLEAR THAT A COUNTY AND A CITY DO HAVE THE AUTHORITY TO ENACT VARIOUS ORDINANCES REGARDING LOCAL SOLID WASTE MANAGEMENT UNDER THEIR BROAD AUTHORITY TO REGULATE SOLID WASTE. (See Legislative Proposal #6, Appendix K.)

Findings: Although a county and a city do presently have authority to enact ordinances that regulate solid waste, the General Assembly should make it clear, by specifically stating, that they can:

- (1) Require source separation prior to collection.
- (2) Require participation in a recycling program which is approved by the governing board.
- (3) Require the county or city landfill to accept for disposal only solid waste that was generated in the geographic area which the landfill was permitted to serve.

RECOMMENDATION #7: A COUNTY LANDFILL HAS CONDITIONAL AUTHORITY TO CHARGE A MUNICIPALITY LOCATED IN THE COUNTY A SOLID WASTE DISPOSAL FEE. (See Legislative Proposal #7. Appendix L.)

Findings: Presently a county is prohibited from charging a municipality located in the county a solid waste disposal fee when the county landfill is financed from county-wide taxes. The Committee finds no need for this blanket prohibition that burdens county landfills. A more equitable approach would be to allow the county landfill to charge municipalities a solid waste disposal fee whenever the landfill also charges non-municipal residents or private corporations or individuals which have contracted with the county to collect solid waste.

RECOMMENDATION #8: THE GENERAL ASSEMBLY SHOULD CONSOLIDATE THE ENVIRONMENTAL AGENCIES.

Findings: The Committee endorses the concept of consolidating the environmental agencies. Counties find it cumbersome and frustrating to have to deal with two different agencies in the permitting process. The separation of responsibilities of each agency is not clear to the permittee. Consolidation would remedy many of the complaints of the counties and cities that seek a permit for a solid waste management facility. This Committee recognizes that a separate study is authorized to study the subject of environmental consolidation, the Environmental Review Committee. This Committee defers to that Committee's recommendations regarding what structure the consolidated agency should have.

RECOMMENDATION #9: THE GENERAL ASSEMBLY SHOULD AUTHORIZE THE CONTINUATION OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY OF SOLID WASTE MANAGEMENT. (See Legislative Proposal #8. Appendix M.)

Findings: The problems in solid waste management are just beginning to surface. Solid waste management is going to be a priority issue for the State throughout the 1990's. Much remains to be done to plan, develop, and implement a comprehensive solid waste management program in this State.

The continued solemn deliberations of an ongoing Solid Waste Management Study Committee are required.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA

1987 SESSION

RATIFIED BILL

CHAPTER 873

HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION. TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS. TO MAKE APPROPRIATIONS THEREFOR. AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

...

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

...

(37) Solid Waste Management (S.J.R. 362-Speed).

...

Sec. 2.6. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation to the 1989 General Assembly.

Sec. 2.7. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall

not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

. . .

-----EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

S

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SENATE JOINT RESOLUTION 362

Sponsors: Senators Speed, Hunt of Moore; Basnight, Guy, Hardison, Parnell.

Referred to: Rules And Operation Of The Senate.

April 10, 1987

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE MANAGEMENT OF SOLID WASTE IN
3 NORTH CAROLINA.

4 Whereas, local governments all across North Carolina are finding it more
5 and more difficult to acquire suitable land for the disposal of solid wastes; and

6 Whereas, the management of solid wastes has become increasingly more
7 expensive as a local government service; and

8 Whereas, the environmental concerns, the technology involved, as well as
9 the costs associated with this service generally extend beyond the resources available
10 to units of local government in North Carolina; and

11 Whereas, it is essential that the State identify achievable standards and
12 satisfactory responses that will assist local governments in dealing with solid waste
13 problems; and

14 Whereas, the General Assembly is aware of the need to develop a sound
15 statewide policy which embodies long-term solutions and is anxious to assist local
16 governments in addressing this statewide problem;

17 Now, therefore, be it resolved by the Senate, the House of Representatives
18 concurring:

19 Section 1. The Legislative Research Commission is authorized to study
20 long-term solutions to the management of solid waste in North Carolina and to

- 1 prepare a report and make recommendations to the 1988 Session of the General
- 2 Assembly.
- 3 Sec. 2. This resolution is effective upon ratification.

APPENDIX B

MEMBERSHIP OF LRC COMMITTEE ON SOLID WASTE MANAGEMENT

Pres. Pro Tem's Appointments

Sen. James D. Speed, Cochair
Route 6, Box 542
Louisburg, NC 27549
(919) 853-2167

Mr. Michael Brenner
Post Office Box 76
Winston-Salem, NC 27102
(919) 725-8333
(replaced M. S. McLean)

Sen. Laurence A. Cobb
2500 First Union Plaza
Charlotte, NC 28282
(704) 375-1431

Sen. Wanda H. Hunt
Post Office Box 1335
Pinehurst, NC 28374
(919) 295-3794

Sen. William N. Martin
Post Office Box 21325
Greensboro, NC 27420
(919) 373-1108

Mr. Frank R. Plummer
29 Church Street
Concord, NC 28025
(704) 788-3142

Staff: Ms. Susan Iddings
Legislative Services Office
(919) 733-6660

Clerk: Ms. Elaine Myers
(919) 733-5850 or 733-5856 (O)
(919) 847-1170 (H)

LRC Member: Sen. Lura Tally

Speaker's Appointments

Rep. George W. Brannan, Cochair
Route 4, Box 134
Smithfield, NC 27577
(919) 934-8877

Rep. Ed Bowen
Route 1, Box 289
Harrells, NC 28444
(919) 532-4183

Rep. William Freeman
502 Burton Street
Fuquay-Varina, NC 27526
(919) 552-2643

Rep. Gordon H. Greenwood
Post Office Box 487
Black Mountain, NC 28711
(704) 669-7961

Mr. Rufus Huggins
1500 Spruce Street
Greenville, NC 27834

Rep. Robert L. McAlister
Route 1, Box 336
Ruffin, NC 27326
(919) 939-9816

APPENDIX C

PERSONS WHO APPEARED BEFORE THE COMMITTEE

Mr. William L. Meyer, Section Chief, Solid Waste Management Section,
Department of Human Resources

Mr. J. Gordon Layton, Supervisor, Solid Waste Branch, Solid Waste
Management Section, Department of Human Resources

Dr. Ernie Carl, Deputy Secretary, Department of Natural Resources and
Community Development

Mr. Ed Regan, Assistant Director, North Carolina Association of County
Commissioners

Ms. Laura Kranifeld, Assistant General Counsel, North Carolina League
of Municipalities

Mr. Philip Prete, Research Associate, Institute for Environmental
Studies at U.N.C., University of North Carolina - Chapel Hill

Mr. David Thompson, Hertford County Manager, Winton, North Carolina

Mr. Jon Creighton, Director of Planning, Planning Department,
Asheville, North Carolina

Mr. Cary Saul, Deputy Director of Solid Waste, Mecklenburg County
Engineering Department, Charlotte, North Carolina

Mr. J. Donald Smith, Superintendent of Sanitation, Greensboro,
North Carolina

Mr. Earl W. Bonner, Beaufort County Engineer, Washington, North
Carolina

Mr. Larry Carter, Director, Cumberland County Solid Waste
Management, Fayetteville, North Carolina

Mr. Perry Nelson, Chief, Groundwater Section, Environmental
Management Division, Department of Natural Resources and
Community Development

Mr. Ogden Gerald, Chief, Air Quality Section, Environmental
Management Division, Department of Natural Resources and
Community Development

Mr. Gary Hunt, Environmental Engineer, Pollution Prevention Pays
Program, Department of Natural Resources and Community
Development

Mr. Richard Self, Johnston County Manager, Smithfield, North Carolina

Mr. Carl D. Wills, Director of Public Works, High Point, North Carolina

Mr. Ray Church, Environmental Specialist, New Hanover County Department of Engineering, Wilmington, North Carolina

Mr. Blair L. Pollock, Recycling Coordinator for Orange County & the Town of Chapel Hill, Chapel Hill, North Carolina

Mr. Bill Holman, Lobbyist for Conservation Council of N.C. and the N.C. Chapter of the Sierra Club, Raleigh, North Carolina

Mr. Don Willhoit, Project Team leader, Triangle J Council of Government and Orange County Commissioner

Mr. Jon Veigel, Chairman, North Carolina Energy Development Authority

Mr. Doug Culbreth, Director, Energy Division, Department of Commerce

Ms. Jean Dodd, Director, State Keep America Beautiful Program, Department of Transportation

Mr. Alton Kornegay, Owner and Operator, Kornegay Septic Tank Works

Mr. Johnnie Braxton, President, Tire Recovery, Inc., Deep Run, North Carolina

Dr. Richard R. Rust, Assistant Professor of Civil Engineering, N. C. State University

Mr. James Haynes, County Manager, Burke County

Mr. Jim Phillips, County Planner, Buncombe County

Mr. Paul Morris, Waste Energy Coordinator, Mecklenburg County (previously served as a consultant to the North Carolina Alternative Energy Corporation)

Mr. William Paige, Supervisor for the Technical Assistance/Support Unit, Hazardous Waste Branch, Solid Waste Management Section, Department of Human Resources

Mr. James E. Heimbürger, Program Director, Carolinas Glass Recycling Program

Mr. S. Leigh Wilson, Executive Director, North Carolina Commission on Jobs and Economic Growth

Ms. Karen Jack, Research Associate, Department of City and Regional Planning, University of North Carolina, Chapel Hill

Mr. Sam Johnson, Attorney for Waste Management, Inc.

Mr. Keith Jackson, Waste Management Incorporated, Oak Brook, Illinois

Mr. Ned Carpenter, Waste Management Incorporated, Gastonia, North Carolina

Dr. Ron Levine, M.D., State Health Director, Department of Human Resources

Ms. Sandi Maurer, President, N.C. Recycling Association and Solid Waste Program Planner, Land-of-Sky Regional Council, Asheville, North Carolina

Mr. Richard Regan, Environmental Coordinator, Center for Community Action, Lumberton, North Carolina

Mr. Michael Brenner, Committee Member & President, Brenner Iron & Metal Company, Winston-Salem, North Carolina

Mr. George Givens, Committee Counsel, Environmental Review Commission

Mr. Bobby Guyton, Vice President, Waste Solutions Development Corp., Elizabethtown, North Carolina

Mr. Ted Hill, Executive Vice President, National Ecology, Inc., Timonium, Maryland

Mr. Kirk Rife, Manager, Environmental & Construction Engineering, Douglas Battery Manufacturing Co., Winston-Salem, North Carolina

Mr. Mark Pegram, Plant Engineering Manager, Johnson Controls Battery Group, Winston-Salem, North Carolina

Mr. Jim Chandler, Regional Automotive Merchandising Manager, Sears, Greensboro, North Carolina

APPENDIX D

SELECTED NORTH CAROLINA STATUTES

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ARTICLE 9.
Solid Waste Management.

Part 1. Definitions.

§ 130A-290. Definitions.

The following definitions shall apply throughout this Article:

- (1) "Comprehensive hazardous waste treatment facility" means a facility designated as such by the Governor's Waste Management Board, meeting the following criteria:
 - a. It is a commercial facility that accepts hazardous waste from the general public for treatment;
 - b. It has the capacity and capability to treat and dispose of hazardous waste on at least an intrastate regional basis; and
 - c. Its location will substantially facilitate treatment of hazardous waste for the State of North Carolina.
- (1a) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (1b) "Commercial" when applied to a hazardous waste facility, means a hazardous waste facility that accepts hazardous waste from the general public or from another person for a fee.
- (2) "Federal act" means the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended.
- (3) "Garbage" means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (4) "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (5) "Hazardous waste facility" means a facility for the storage, collection, processing, treatment, recycling, recovery or disposal of hazardous waste.
- (6) "Hazardous waste generation" means the act or process of producing hazardous waste.
- (7) "Hazardous waste landfill facility" means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under this Article.

- (7a) "Hazardous waste long-term storage facility" means a facility as defined in G.S. 143B-470.2(5).
- (7b) "Hazardous waste management program" means the program and activities within the Department pursuant to Part 2 of this Article, for hazardous waste management.
- (8) "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.
- (8a) "Hazardous waste treatment facility" means a facility as defined in G.S. 143B-470.2(3).
- (8b) "Landfill" means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
- (8c) "Long-term retrievable storage" means storage in closed containers in facilities (either above or below ground) with (i) adequate lights, (ii) impervious cement floors, (iii) strong visible shelves or platforms, (iv) passageways to allow inspection at any time, (v) adequate ventilation if underground or in closed buildings, (vi) protection from the weather, (vii) accessible to monitoring with signs on both individual containers and sections of storage facilities, and (viii) adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.
- (9) "Manifest" means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.
- (10) "Natural resources" means all materials which have useful physical or chemical properties which exist, unused, in nature.
- (11) "Open dump" means a solid waste disposal site which is not a sanitary landfill.
- (12) "Person" means an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.
- (13) "Recycling" means the process by which recovered resources are transformed into new products so that the original products lose their identity.
- (14) "Refuse" means all nonputrescible waste.
- (15) "Resource recovery" means the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing the solid waste for recycling.
- (15a) "Reuse" means a process by which resources are reused or rendered usable.
- (16) "Sanitary landfill" means a facility for disposal of

solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article.

- (16a) "Septage" means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin which is removed from a septic tank system.
- (16b) "Septage management firm" means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community sanitary sewage systems that treat or dispose septage.
- (17) "Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.
- (18) "Solid waste" means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:
 - a. Fecal waste from fowls and animals other than humans;
 - b. Solid or dissolved material in:
 - 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 - 2. Irrigation return flows; and
 - 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this Article;
 - c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes.

However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this Article;

- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
 - e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B- 290). However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this Article.
- (19) "Solid waste disposal site" means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.
 - (20) "Solid waste generation" means the act or process of producing solid waste.
 - (21) "Solid waste management" means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.
 - (22) "Solid waste management facility" means land, personnel and equipment used in the management of solid waste.
 - (23) "Storage" means the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.
 - (24) "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any solid waste to neutralize the waste or to render the waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. The term includes any activity or processing designed to change the physical form or chemical composition of solid waste to render it nonhazardous.
 - (25) "Unit of local government" means a county, city, town or incorporated village. (1969, c. 899; 1975, c. 311, s. 2; 1977, 2nd Sess., c. 1216; 1979, c. 464, s. 1; 1981, c. 704, s. 4; 1983, c. 795, ss. 1, 8.1; c. 891, s. 2; 1983 (Reg. Sess., 1984), c. 973, s. 2; 1985, c. 738, s. 1; 1987 (Reg. Sess., 1988), c. 1020, s. 1, c. 1058, s. 1.)

Part 2. Solid and Hazardous Waste Management.

§ 130A-291. Solid Waste Unit in Department of Human Resources.--(a) For the purpose of promoting and preserving an environment that is conducive to public health and welfare, and preventing the creation of nuisances and the depletion of our

natural resources, the Department of Human Resources shall maintain an appropriate administrative unit to promote sanitary processing, treatment, disposal, and statewide management of solid waste and the greatest possible recycling and recovery of resources, and the Department shall employ and retain such qualified personnel as may be necessary to effect such purposes. It is the purpose and intent of the State to be and remain cognizant not only of its responsibility to authorize and establish the statewide solid waste management program, but also of its responsibility to monitor and supervise, through the Department of Human Resources, the activities and operations of units of local government implementing a permitted solid waste management facility serving a specified geographic area in accordance with a solid waste management plan.

(b) In furtherance of said purpose and intent, it is hereby determined and declared that it is necessary for the health and welfare of the inhabitants of the State that solid waste management facilities permitted hereunder and serving a specified geographic area shall be used by public or private owners or occupants of all lands, buildings, and premises within said area, and a unit of local government may, by ordinance, require that all solid waste generated within said area and placed in the waste stream for disposal, shall be delivered to the permitted solid waste management facility or facilities serving such geographic area. Actions taken pursuant to this Article shall be deemed to be acts of the sovereign power of the State of North Carolina, and to the extent reasonably necessary to achieve the purposes of this section, a unit of local government may displace competition with public service for solid waste management and disposal. It is further determined and declared that no person, firm, corporation, association or entity within said geographic area shall engage in any activities which would be competitive with this purpose or with ordinances, rules or regulations adopted pursuant to the authority granted herein. (1969, c. 899; 1973, c. 476, s. 128; 1975, c. 311, s. 3; 1977, 2nd Sess., c. 1216; 1983, c. 795, ss. 2, 8.1; c. 891, s. 2.)

§ 130A-294. Solid waste management program.--(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

- (1) Develop a comprehensive program for implementation of safe and sanitary practices for management of solid waste;
- (2) Advise, consult, cooperate and contract with other State agencies, units of local government, the federal government, industries and individuals in the formulation and carrying out of a solid waste management program;
- (3) Develop and adopt rules to establish standards for qualification as a waste "recycling, reduction or resource recovering facility" or as waste

"recycling, reduction or resource recovering equipment" for the purpose of special tax classifications or treatment, and to certify as qualifying those applicants which meet the established standards. The standards shall be developed to qualify only those facilities and equipment exclusively used in the actual waste recycling, reduction or resource recovering process and shall exclude any incidental or supportive facilities and equipment;

- (4) Develop a permit system governing the establishment and operation of solid waste management facilities. No permit shall be granted for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission for Health Services, without the Department receiving the prior approval for such permit from the county where it is to be located, except if it is to be located within the corporate limits or extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, of a city as defined in G.S. 160A-1(2), from the city where it is to be located or whose jurisdiction it is in. No permit shall be granted for a solid waste management facility having discharges which are point sources until the Department has referred the complete plans and specifications to the Environmental Management Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and shall also state its estimate of the changes in the applicant's proposed activities or plans which will be required for the applicant to obtain a permit.

The issuance of permits for sanitary landfills operated by local governments is exempt from the environmental impact statements required by Article 1 of Chapter 113A of the General Statutes, entitled the North Carolina Environmental Policy Act of 1971. All sanitary landfill permits issued to local governments prior to July 1, 1984, are hereby validated notwithstanding any failure to provide environmental impact statements pursuant to the North Carolina Environmental Policy Act of 1971;

- (4a) No permit shall be granted for any public or private sanitary landfill to receive solid non-radioactive waste generated outside the boundaries of North Carolina to be deposited, unless such waste has previously been inspected by the solid waste regulatory agency of that nation, state or territory, characterized in detail as to its

contents and certified by that agency to be non-injurious to health and safety. The Commission shall adopt rules to implement this subsection.

(5) Repealed by Session Laws 1983, c. 795, s. 3.

(5a) Designate a geographic area within which the collection, transportation, storage and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan. Such designation may be made only after the Department has received a request from the unit or units of local government having jurisdiction within said geographic area that such designation be made and after receipt by the Department of a solid waste management plan which shall include:

- a. The existing and projected population for such area;
- b. The quantities of solid waste generated and estimated to be generated in such area;
- c. The availability of sanitary landfill sites and the environmental impact of continued landfill of solid waste on surface and subsurface waters;
- d. The method of solid waste disposal to be utilized and the energy or material which shall be recovered from the waste; and
- e. Such other data that the Department may reasonably require.

(5b) Authorize units of local government to require by ordinance, that all solid waste generated within the designated geographic area that is placed in the waste stream for disposal be collected, transported, stored and disposed of at a permitted solid waste management facility or facilities serving such area. The provisions of such ordinance shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal, or prohibit collectors of solid waste from recycling materials or limit access to such materials as an incident to collection of such solid waste; provided such prohibitions do not authorize the construction and operation of a resource recovery facility unless specifically permitted pursuant to an approved solid waste management plan. If a private solid waste landfill shall be substantially affected by such ordinance then the unit of local government adopting the ordinance shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the proposed ordinance.

(5c) Except for the authority to designate a geographic area to be serviced by a solid waste management facility, delegate authority and responsibility to

units of local government to perform all or a portion of a solid waste management program within the jurisdictional area of the unit of local government; provided that no authority over or control of the operations or properties of one local government shall be delegated to any other local government.

- (5d) Require that an annual report of the implementation of the solid waste management plan within the designated geographic area be filed with the Department.
- (6) The Department is authorized to charge and collect fees from operators of hazardous waste landfill facilities. The fees shall be used to establish a fund sufficient for each individual facility to defray the anticipated costs to the State for monitoring and care of the facility after the termination of the period during which the facility operator is required by applicable State and federal statutes, regulations or rules to remain responsible for post-closure monitoring and care. In establishing the fees, consideration shall be given to the size of the facility, the nature of the hazardous waste and the projected life of the facility.
- (7) Establish and collect annual fees from generators and transporters of hazardous waste, and from storage, treatment, and disposal facilities regulated under this Article as provided in G.S. 130A-294.1.

(b) The Commission shall adopt and the Department shall enforce rules for the establishment, location, operation, maintenance, use and discontinuance of solid waste management sites and facilities. These rules shall be designed to accomplish the maintenance of safe and sanitary conditions in and around solid waste management sites and facilities, and shall be based on recognized public health practices and procedures, sanitary engineering research and studies, and current technological development in equipment and methods. The rules shall not apply to the management of solid waste that is generated by an individual or individual family or household unit on the individual's property and is disposed of on the individual's property.

...

§ 153A-149. Property taxes; authorized purposes; rate limitation.--(a) Pursuant to Article V, Sec. 2(5) of the Constitution of North Carolina, the General Assembly confers upon each county in this State the power to levy, within the limitations set out in this section, taxes on property having a situs within the county under the rules and according to the procedures prescribed in the Machinery Act (Chapter 105, Subchapter II).

...

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to an effective combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation before the application of any assessment ratio. To find the actual rate limit for a particular county, divide the effective rate limit of one dollar and fifty cents (\$1.50) by the county assessment ratio. Authorized purposes subject to the rate limitation are:

...

- (31) Solid Waste. -- To provide solid waste collection and disposal services, and to acquire and operate landfills.

...

§ 153A-136. Regulation of solid wastes.--(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
- (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding seven years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.
- (4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.
- (5) Include any other proper matter.

(b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any regulations adopted by the Department of Human Resources. (1955, c. 1050; 1957, cc. 120, 376; 1961, c. 40; c. 514, s. 1; cc. 711, 803; c. 806, s. 1; 1965, c. 452; 1967, cc. 34, 90; c. 183, s. 1; cc. 304, 339; c. 495, s. 4; 1969, cc. 79, 155, 176; c. 234, s. 1; c. 452; c. 1003, s. 4; 1973, c. 476, s. 128; c. 822, s. 1.)

§ 153A-274. Public enterprise defined. As used in this Article, "public enterprise" includes:

- (1) Water supply and distribution systems,
- (2) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems,
- (3) Solid waste collection and disposal systems and facilities,
- (4) Airports,
- (5) Off-street parking facilities,
- (6) Public transportation systems. (1965, c. 370; 1957, c. 266, s. 3; 1961, c. 514, s. 1; c. 1001, s. 1; 1971, c. 568; 1973, c. 822, s. 1; c. 1214; 1977, c. 514, s. 1; 1979, c. 619, s. 1.)

§ 153A-275. Authority to operate public enterprises. A county may acquire, lease as lessor or lessee, construct, establish, enlarge, improve, extend, maintain, own, operate, and contract for the operation of public enterprises in order to furnish services to the county and its citizens. A county may acquire, construct, establish, enlarge, improve, maintain, own, and operate outside its borders any public enterprise.

A county may by ordinance or resolution adopt adequate and reasonable rules and regulations to protect and regulate a public enterprise belonging to or operated by it. (1955, c. 370; 1957, c. 266, s. 3; 1961, c. 514, s. 1; c. 1001, s. 1; 1967, c. 462; 1971, c. 568; 1973, c. 822, s. 1.)

§ 153A-276. Financing public enterprises.

Subject to the restrictions, limitations, procedures, and regulations otherwise provided by law, a county may finance the cost of a public enterprise by levying taxes, borrowing money, and appropriating any other revenues, and by accepting and administering gifts and grants from any source. (1973, c. 822, s. 1.)

§ 153A-277. Authority to fix and enforce rates.--(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county.

(b) A county may collect delinquent accounts by any remedy provided by law for collecting and enforcing private debts. A county may also discontinue service to a customer whose account remains delinquent for more than 10 days. If a delinquent customer is not the owner of the premises to which the services are delivered, the payment of the delinquent account may not be required before providing services at the request of a new and different tenant or occupant of the premises. If water or sewer services are discontinued for delinquency, it is unlawful for a

person other than a duly authorized agent or employee of the county to reconnect the premises to the water or sewer system.

(c) Rents, rates, fees, charges, and penalties for enterprisory services are in no case a lien upon the property or premises served and, except as provided in subsection (d) of this section, are legal obligations of the person contracting for them.

(d) Rents, rates, fees, charges, and penalties for enterprisory services are legal obligations of the owner of the property or premises served when:

- (1) The property or premises is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter; or
- (2) Charges made for use of a sewerage system are billed separately from charges made for the use of a water distribution system. (1961, c. 1001, s. 1; 1973, c. 822, s. 1.)

§ 153A-278. Joint provision of enterprisory services.--Two or more counties, cities, or other units of local government may cooperate in the exercise of any power granted by this Article according to the procedures and provisions of Chapter 160A, Article 20, Part 1. (1961, c. 1001, s. 1; 1973, c. 822, s. 1.)

§§ 153A-279 to 153A-282. Reserved for future codification purposes.

§ 153A-292. County collection and disposal; tax levy.--The board of county commissioners of any county is hereby empowered to establish and operate garbage, refuse, and solid waste collection and disposal facilities, or either, in areas outside of incorporated cities and towns where, in its opinion, the need for such facilities exists. The board may by ordinance regulate the use of such garbage, refuse, and solid waste disposal facilities; the nature of the solid wastes disposed of therein; and the method of disposal. Ordinances so adopted may be enforced by any law-enforcement officer having jurisdiction, which shall include, but not be limited to, officers of the county sheriff's department, county police department and the State Highway Patrol. The board may contract with any municipality, individual, or privately owned corporation to collect and dispose, or collect or dispose, of garbage, refuse, and solid waste in any such area provided no county shall be authorized by this Article to levy a disposal fee upon any municipality located in that county if the board of commissioners levy a countywide tax on property which provides in part for financing such disposal facilities. In the disposal of garbage, refuse, and solid waste, the board may use any vacant land owned by the county, or it may acquire suitable sites for such purpose. The board may make appropriations to carry out the activities herein authorized. The board may impose fees for the use of disposal facilities, and in the event it shall provide for the collection of garbage, refuse, and solid waste, it may charge fees for such collection service sufficient in its opinion to defray the expense of collection. Counties and municipalities therein are authorized to establish and operate joint collection and disposal facilities, or either of these, upon such terms as the governing bodies may determine. Such agreement shall be in writing and executed by the governing body of the participating units of local government.

The board of commissioners of each county is hereby authorized to levy taxes for the special purpose of carrying out the authority conferred by this section, in addition to the rate of tax allowed by the Constitution for general purposes, and the General Assembly hereby gives its special approval for such tax levies.

The board of county commissioners may use any vacant land owned by the county, and it may acquire by purchase or condemnation suitable land for the disposal sites, and in the event condemnation of said lands is necessary, the procedure used shall be that set forth in Chapter 40A of the North Carolina General Statutes.

The board may impose fees for the use of the disposal site, and if the county provides for collection services, it shall charge fees sufficient to defray the expense of collection.

The board of commissioners of each county is authorized to levy taxes for the special purpose of carrying out the authority conferred by this section, in addition to the rate of tax allowed by the Constitution for general purposes, and the General Assembly hereby gives its special approval for such tax levies. The board of commissioners is authorized to make appropriations

from these tax funds, and from nonrevenue funds which may be available. Provided that the county board of commissioners may authorize the erection of a gate across a state- or county-maintained highway leading directly to a sanitary landfill or garbage disposal site which is operated by the county. The gate may be erected at or in close proximity to the boundary of the landfill or garbage disposal site. The cost of the erection of the gate and its maintenance is to be borne by the county, and the gate shall be closed upon authority of the county commissioners. (1961, c. 514, s. 1; 1971, c. 568; 1973, c. 535; c. 822, s. 2; 1981, c. 919, s. 22.)

§ 153A-299.1. Authority to contract with private firms; contract provisions.--The boards of county commissioners on behalf of counties and city councils on behalf of cities and towns are hereby authorized to enter into contracts with any private person, firm or corporation to dispose of by sale or otherwise, solid waste generated within their geographic boundaries or brought into their geographic boundaries. Without intending to limit the provisions which may be included in such contracts, the contracts may specifically include provisions for:

- (1) Payment by the county, city or town of a fee or other charge to the private person, firm or corporation to accept and dispose of the solid waste;
- (2) Periodic increases or adjustments in the fees or other charges to be paid by the counties, cities or towns to the private person, firm or corporation;
- (3) Warranties from the counties, cities or towns with respect to the quantity of the solid waste it will deliver and transfer to the private person, firm or corporation and warranties relating to the content or quality of the solid waste;
- (4) Legal and equitable title to the solid waste passing to the private person, firm or corporation upon delivery of the solid waste to the private person, firm or corporation; and
- (5) A long term of duration up to a period of 60 years. (1979, 2nd Sess., c. 1135, s. 1.)

§ 153A-299.2. Solid waste defined.--As used in this Part, the term "solid waste" shall include but not be limited to trash, debris, garbage, litter, discarded cans or receptacles or any other type of waste or garbage material whatsoever. (1979, 2nd Sess., c. 1135, s. 2.)

§ 160A-209. Property taxes.--(a) Pursuant to Article V, Sec. 2(5) of the Constitution of North Carolina, the General Assembly confers upon each city in this State the power to levy, within the limitations set out in this section, taxes on property having a situs within the city under the rules and according to the procedures prescribed in the Machinery Act (Chapter 105, Subchapter II).

...

(c) Each city may levy property taxes for one or more of the following purposes subject to the rate limitation set out in subsection (d):

...

(29) Solid Waste. -- To provide solid waste collection and disposal services, and to acquire and operate landfills.

...

§ 160A-192. Regulation of trash and garbage.--(a) A city may by ordinance regulate the disposal of solid wastes within the city, and may require the owners or occupants of houses and other buildings to place solid waste in specified places or receptacles for the convenience of city collection and disposal, and may impose charges for such collection and disposal.

(b) Any two or more cities, counties, sanitary districts, or any combination thereof, are authorized to enter into contracts and agreements for the joint ownership, construction, operation and maintenance of solid waste collection and disposal systems and facilities. In operating such systems and facilities, the participating units may exercise jointly any power that they might exercise individually with respect to solid waste collection and disposal systems and facilities. (1917, c. 136, subch. 7, s. 3; C.S., s. 2799; 1971, c. 698, s. 1.)

§160A-311. Public enterprise defined.--As used in this Article, the term "public enterprise" includes:

- (1) Electric power generation, transmission, and distribution systems;
- (2) Water supply and distribution systems;
- (3) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;
- (4) Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase and/or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without;
- (5) Public transportation systems;
- (6) Solid waste collection and disposal systems and facilities;
- (7) Cable television systems;
- (8) Off-street parking facilities and systems;
- (9) Airports. (1971, c. 698, s. 1; 1975, c. 549, s. 2; c. 821, s. 3; 1977, c. 514, s. 2; 1979, c. 619, s. 2.)

§ 160A-312. Authority to operate public enterprises.--A city shall have authority to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises as defined in this Article to furnish services to the city and its citizens. Subject to Part 2 of this Article, a city may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public enterprise outside its corporate limits, within reasonable limitations, but in no case shall a city be held liable for damages to those outside the corporate limits for failure to furnish any public enterprise service.

A city shall have full authority to protect and regulate any public enterprise system belonging to it by adequate and reasonable rules and regulations.

A city may operate that part of a gas system involving the purchase and/or lease of natural gas fields, natural gas reserves and natural gas supplies and the surveying, drilling or any other activities related to the exploration for natural gas, in a partnership or joint venture arrangement with natural gas utilities and private enterprise. (1971, c. 698, s. 1; 1973, c. 426, s. 51; 1975, c. 821, s. 5; 1979, 2nd Sess., c. 1247, s. 29.)

§ 14-399. Littering.--(a) No person, firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this State or in the waters of this State including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley except:

- (1) When such property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or
- (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.

(b) When litter is so blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.

(c) As used in this section, the word "litter" shall be defined as any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description; the word "vehicle" shall be defined as in G.S. 20-4.01(49); and the word "watercraft" shall be defined as any boat or vessel used for transport upon or across the water.

(d) A violation of this section is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for the first offense. Any second or subsequent offense is punishable by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). In lieu of a fine or any portion thereof, or in addition to a fine, any violation of this section may also be punished by a term of community service.

(e) Wildlife protectors, as defined in G.S. 113-128(9), are authorized to enforce the provisions of this section. (1935, c. 457; 1937, c. 446; 1943, c. 543; 1951, c. 975, s. 1; 1953, cc. 387, 1011; 1955, c. 437; 1957, cc. 73, 175; 1959, c. 1173; 1971, c. 165; 1973, c. 877; 1977, c. 887, s. 1; 1979, c. 1065, s. 1; 1983, c. 890; 1987, c. 208, c. 757.)

§ 14-399.1. Dumping litter.--(a) A person is guilty of a misdemeanor if he intentionally dumps or places litter on the private property of another without the consent of the owner of the property. This act shall not apply to a tenant or lessee unless said tenant or lessee fails to remove such litter within 10 days after he is given written or oral notice to remove such litter following termination of said lease or rental agreement.

The presumption in G.S. 14-399(b) and the definition of "litter" in G.S. 14-399(c) apply to this section.

(b) Violation of this section is punishable by imprisonment for up to 30 days and a fine of up to five hundred dollars (\$500.00). A second or subsequent violation of this section is punishable by imprisonment for up to six months and a fine of up to one thousand dollars (\$1,000). (1985, c. 478, s. 1.)

S. B. 369

CHAPTER 764

AN ACT TO PROVIDE TAX BENEFITS FOR CAPITAL INVESTMENTS
IN RECYCLING AND RESOURCE RECOVERING FACILITIES OR
EQUIPMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-166.18 is amended by adding a new subdivision (3) at the end of subdivision (2) thereof to read as follows:

"(3) Develop and promulgate standards for qualification as a 'recycling or resource recovering facility' or as 'recycling or resource recovering equipment' for the purpose of special tax classifications or treatments, and to certify as qualifying those applicants which meet the established standards. The standards shall be so developed as to qualify only those facilities and equipment exclusively used in the actual resource recovering or recycling process and shall exclude any incidental or supportive facilities and equipment."

Sec. 2. G.S. 105-122(b) as it appears in the 1974 Cumulative Supplement to Volume 2D of the General Statutes is amended by inserting the following at the end of the second sentence of the first paragraph:

"The cost of purchasing and installing equipment or constructing facilities for the purpose of recycling or resource recovering of or from solid waste shall be treated as deductible for the purposes of this section upon condition that the corporation claiming such deductible liability shall furnish to the secretary a certificate from the Department of Human Resources certifying that the Department of Human Resources has found as a fact that the equipment or facility has actually been purchased, installed or constructed, that it is in conformance with all rules and regulations of the Department of Human Resources, and that recycling or resource recovering is the primary purpose of the facility or equipment."

Sec. 3. G.S. 105-130.10 as it appears in the 1974 Cumulative Supplement to Volume 2D of the General Statutes is amended by rewriting it to read as follows:

"§ 105-130.10. *Amortization of air-cleaning devices, waste treatment facilities and recycling facilities.*—In lieu of any depreciation allowance, at the option of the corporation, a deduction shall be allowed for the amortization, based on a period of 60 months, of the cost of:

(a) any air-cleaning device, sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the emission of air contaminants or the discharge of sewage, industrial waste, or other polluting materials or substances into the outdoor atmosphere or streams, lakes, rivers, or coastal waters. The deduction provided herein shall apply also to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The deduction provided for in this subsection shall be allowed by the Secretary of Revenue only upon the condition that the corporation claiming such allowance shall furnish to the secretary a certificate from the Department of Natural and Economic Resources certifying that the Environmental Management Commission has found as a fact that the air-cleaning device, waste treatment plant, or other pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such construction, plant or equipment complies with the requirements of said Environmental Management Commission with respect to such devices, construction, plants or equipment, that such device, plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Environmental Management Commission, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions.

(b) purchasing and installing equipment or constructing facilities for the purpose of recycling or resource recovering of or from solid waste. The deduction provided for in this subsection shall be allowed by the Secretary of Revenue only upon the condition that the corporation claiming such allowance shall furnish to the secretary a certificate from the Department of Human Resources certifying that the Department of Human Resources has found as a fact that the equipment or facility has actually been purchased, installed or constructed, that it is in conformance with all rules and regulations of the Department of Human Resources, and that recycling or resource recovering is the primary purpose of the facility or equipment.

The deduction herein provided for shall also be allowed as to plants or equipment constructed or installed after January 1, 1955, but only with respect to the undepreciated value of such plants or equipment."

Sec. 4. G.S. 105-130.5(b)(6) as it appears in the 1974 Cumulative Supplement of Volume 2D of the General Statutes is amended by inserting the words "and recycling and resource recovering facilities or equipment" following the word "plant" and preceding the word "as" in the second line thereof.

Sec. 5. G.S. 105-147(13) is rewritten to read as follows:

"(13) In lieu of any depreciation allowance pursuant to this section, at the option of the taxpayer, an allowance with respect to the amortization, based on a period of 60 months, of the cost of:

a. Any air-cleaning device, sewage or waste treatment plant, including waste lagoons and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, or the emission of air contaminants into the outdoor atmosphere. The deduction provided herein shall apply to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The deduction provided for the items enumerated in this subparagraph shall be allowed by the secretary only upon the condition that the person or firm claiming such allowance shall furnish to the secretary a certificate from the Board of Water and Air Resources certifying that said board has found as a fact that the waste treatment plant, air-cleaning device, or air or water pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said board with respect to such plants or equipment, that such plant, device, or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions.

b. Purchasing and installing equipment or constructing facilities for the purpose of recycling or resource recovering of or from solid waste. The deduction provided for the items enumerated in this subparagraph shall be allowed by the Secretary of Revenue only upon the condition that the person claiming such allowance shall furnish to the secretary a certificate from the Department of Human Resources certifying that the Department of Human Resources has found as a fact that the equipment or facility has actually been purchased, installed or constructed, that it is in conformance with all rules and regulations of the Department of Human Resources, and that recycling or resource recovering is the primary purpose of the facility or equipment.

The deduction herein provided for shall also be allowed as to plants or equipment constructed or installed before January 1, 1955, but only with respect to the undepreciated value of such plants or equipment."

Sec. 6. G.S. 105-275(8) as it appears in the 1974 Cumulative Supplement of Volume 2D of the General Statutes is amended by:

(1) Designating the current language as paragraph "a." and redesignating subdivisions "a.", "b.", "c.", and "d." as "1.", "2.", "3." and "4.", respectively; and

(2) Adding a new paragraph at the end thereof to read as follows:

"b. Real or personal property that is used or, if under construction, is to be used exclusively for recycling or resource recovering of or from solid waste, if the Department of Human Resources furnishes a certificate to the tax supervisor of the county in which the property is situated stating the Department of Human Resources has found that the described property has been or will be constructed or installed, complies or will comply with the regulations of the Department of Human Resources, and has, or will have as its primary purpose recycling or resource recovering of or from solid waste."

Sec. 7. This act shall become effective January 1, 1976.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.

APPENDIX E

Survey of the Projected Life
of Municipal Landfills
in North Carolina

compiled by: Department of Human Resources
Solid Waste Branch

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



December 17, 1987

MEMORANDUM

TO: Members - Solid Waste Management Study Committee

FROM: Susan S. Iddings, Staff Counsel

SUBJECT: Landfill Capacity Survey

Attached is a copy of the landfill capacity survey performed by the Solid and Hazardous Waste Management Branch, as requested by Representative McAlister for the Committee. The first page lists the landfills with less than two year's remaining life. This page also shows the remaining years life with a modification plan to extend the landfill vertically or horizontally, or both.

The total survey begins on the second page. The following legend translates the remaining life as shown on the survey:

-0001	-	less than 1 year
-0002	-	less than 2 years
+0002	-	2-5 years
+0005	-	5-10 years
+0010	-	over 10 years
9999	-	under closure

BLANK 106	11/25/87	MUNICIPALITY/TOWN/PLS WITH LESS THAN TWO YEARS CAPACITY			PAGE
NAME OF TOWN/PL	PLANS NUMBER	PERCENT CAPACITY(YRS)	CAPACITY WITHIN MODIFICATION(YRS)	TOTAL CAPACITY(YRS)	
ALABAMA COUNTY	0101	0001*	001	2	
CHEROKEE COUNTY	2001	0002*	003	5	
FRANKLIN COUNTY	3501	0002*	002	4	
GRAHAM COUNTY	3001	0001*	001	2	
HAYWOOD COUNTY	4403	0001*	003	4	
MACON COUNTY	5701	0001*	002	3	
MACON COUNTY	5702	0001	001	2	
MADISON COUNTY	5802	0001*	001	2	
MARTIN COUNTY	5901	0002	005	7	
ROAN COUNTY	8001	0001	000	1	
TRANSYLVANIA COUNTY	8803	0001*	001	2	
VANCE COUNTY	9101	0002*	000	2	
WILKES COUNTY	9701	0002*	002	4	

* REQUIRES OFF-SITE SOIL

NUMBER OF RECORDS SELECTED FOR THE REPORT = 13

H155VR01 PROJECTED LIFE FOR MUNICIPAL/COUNTY LANDFILLS

REPORT DATE 03/11/88

PERMIT NO. NAME OF LANDFILL	COUNTY	YR OPENED	TOTAL ACRES USED	ACRES REMAIN	AVG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP	YES	NO	YRS. EXTENDED LIFE LATERAL YES/NO	REQUIRED
0001 Yancey YANCEY/RITCHIE		69	010	029	001	040	+	0005		000	
0101 Alamance ALAMANCE COUNTY		79	020	016	004	050	-	0001	X	001	NU
0201 Alexander ALEXANDER COUNTY		79	025	010	015	030	+	0005		000	
0302 Allegheny ALLEGHANY COUNTY		82	014	005	009	033	+	0010		000	
0401 Anson ANSON COUNTY		79	013	013	003	030	+	0002		000	
0501 Ashe ASHE COUNTY		71	100	025	075	050	+	0010		000	
0601 Avery AVERY COUNTY		72	014	008	006	045	+	0002		000	
0702 Beaufort BEAUFORT COUNTY		76	060	041	019	012	+	0005		000	
0801 Bertie BERTIE COUNTY		73	101	088	013	013	+	0002		000	
0901 Bladen BLADEN COUNTY		72	057	025	020	016	+	0002		000	
1007 Brunswick BRUNSWICK COUNTY		84	054	012	042	008	+	0005		000	
1101 Buncombe BUNCOMBE COUNTY		73	050	060	030	060	+	0002		000	
1203 Burke BURKE COUNTY		88	316	000	318	035	+	0030		000	
1301 Cabarrus CHARLOTTE MOTOR SPEEDWAY		73	110	000	110	035	+	0005		000	
1302 Cabarrus CABARRUS COUNTY		74	242	062	180	040	+	0002		000	

REPORT DATE 03/11/88

H145UR01 PROJECTED LIFE FOR MUNICIPAL/COUNTY LANDFILLS

PAGE 2

PERMIT NO. COUNTY NAME OF LANDFILL	YR. OPENED	TOTAL ACRES USED	ACRES REMAIN	AUG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP YES NO	YES. EXTENDED LIFE LATERAL YES/NO	REQUIRED
1401 Caldwell CALDWELL COUNTY	75	060	045	015	125 + 0002		000	
1402 Carteret CARTERET COUNTY	84	030	010	020	020 + 0005		000	
1701 Caswell CASWELL COUNTY	75	010	005	005	016 + 0005		000	
1801 Catula CATAUGA COUNTY	73	050	075	015	030 + 0002		000	
1803 Catula CATAUGA COUNTY	81	170	030	140	025 + 0005		000	
1901 Chatham CHATHAM COUNTY	73	075	040	039	025 + 0010		000	
2001 Cherokee CHEROKEE COUNTY	72	016	012	004	020 - 0002	X	003	YES
2201 Clay CLAY COUNTY	82	014	007	007	025 + 0010		000	
2301 Cleveland CLEVELAND COUNTY	76	187	075	122	027 + 0010		000	
2302 Cleveland CLEVELAND CONTAINER SERVICE	75	116	010	106	040 + 0010		000	
2401 Columbus COLUMBUS COUNTY	73	050	050	004	010 + 0010		000	
2503 Craven CRAVEN COUNTY	83	120	040	080	016 + 0010		000	
2601 Cumberland CUMBERLAND COUNTY	80	200	090	110	038 + 0005		000	
2701 Currituck CURRITUCK COUNTY	74	060	000	000	015 + 0002		000	
2802 Dare DARE COUNTY	82	030	005	025	020 + 0005		000	

PERMIT NO. NAME OF LANDFILL	COUNTY	YR OPENED	PROJECTED LIFE FOR MUNICIPAL/COUNTY LANDFILLS			YRS. EXTENDED LIFE LATERAL Y1.5/HU	YRS. EXTENDED LIFE LATERAL Y1.5/HU	REQUIRED
			TOTAL ACRES USED	ACRES REMAIN	AVG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP Y1.5 HU	
2902 Davidson	DAVIDSON COUNTY	84	060	010	050	015 + 0002	000	
2903 Davidson	LEXINGTON, CITY OF	72	033	020	005	018 + 0002	000	
2904 Davidson	THOMASVILLE, CITY OF	61	105	080	025	040 + 0005	000	
3001 Davie	DAVIE COUNTY	61	060	050	008	035 + 0005	000	
3101 Duellin	DUFLIN COUNTY	73	100	080	020	013 + 0002	000	
3201 Durham	DURHAM, CITY OF	74	130	095	025	045 + 0002	000	
3301 Edgecombe	EDGECOMBE COUNTY	74	271	035	060	035 + 0010	000	
3402 Forsyth	WINSTON-SALEM, CITY OF	75	176	043	123	085 + 0010	000	
3403 Forsyth	WINSTON-SALEM, CITY OF	65	050	018	032	045 + 0002	000	
3404 Forsyth	KERNERSVILLE, TOWN OF	76	068	017	051	035 + 0002	000	
3501 Franklin	FRANKLIN COUNTY	84	045	030	015	030 - 0002	X	YES
3606 Gaston	GASTON COUNTY	87	322	000	322	025 + 0010	000	
3801 Graham	GRAHAM COUNTY	74	015	015	000	050 - 0001	X	YES
3901 Granville	GRANVILLE COUNTY	76	066	042	024	030 + 0002	000	
3902 Granville	GRANVILLE COUNTY	82	042	037	005	040 + 0002	000	

REPORT DATE 03/11/86

H145VR01 PROJECTED LIFE FOR MUNICIPAL/COUNTY LANDFILLS

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PERMIT NO. NAME OF LANDFILL	COUNTY	YR OPENED	TOTAL ACRES	ACRES USED	ACRES REMAIN	AVG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP YES NO	YRS. LATERAL YES/NO	EXTENDED LIFE REQUIRED
4002 Greene	GREENE COUNTY	82	065	005	060	012	+ 0010		000	
4101 Guilford	HIGH POINT, CITY OF	81	047	037	010	040	+ 0005		000	
4102 Guilford	CROSSVILLE, TOWN OF	76	045	044	001	020	9999	X	005	YES
4103 Guilford	GREENSBORO, CITY OF	78	184	103	081	040	+ 0005		000	
4104 Guilford	HIGH POINT, CITY OF	80	125	000	125	000	+ 0010		000	
4204 Halifax	HALIFAX COUNTY	81	110	016	094	045	+ 0010		000	
4302 Harnett	HARNETT COUNTY	77	350	070	260	020	+ 0010		000	
4303 Harnett	HARNETT COUNTY	78	061	051	010	015	+ 0005		000	
4403 Haywood	HAYWOOD COUNTY	82	020	020	000	060	- 0001	X	003	YES
4404 Haywood	CANTON, TOWN OF	75	020	015	005	050	+ 0010		000	
4501 Henderson	HENDERSON COUNTY	65	025	015	015	050	+ 0010		000	
4601 Hertford	HERTFORD COUNTY	73	049	044	005	010	+ 0002		000	
4701 Hoke	Hoke COUNTY	74	020	014	006	020	+ 0005		000	
4901 Irwell	IREDELL COUNTY	79	090	045	020	060	+ 0002		000	
5002 Jackson	JACKSON COUNTY	89	018	010	008	050	+ 0005		000	

PERMIT NO.	COUNTY	YR. OPENED	TOTAL ACRES USED	ACRES REMAIN	AVG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP	YES	NO	YRS. LATERAL	EXTENDED LIFE REQUIRED
NAME OF LANDFILL										YES/NO	
5101 Johnson	JOHNSON COUNTY	73	125	070	035	020	+	0005			000
5201 Jones	JONES COUNTY	72	020	007	013	007	+	0010			000
5301 Lee	LEE COUNTY	72	226	110	116	037	+	0010			000
5403 Lenoir	LENOIR COUNTY	81	060	020	040	015	+	0005			000
	Lincoln	00	000	000	000	000	+	0010			000
5601 McDowell	MCDOWELL COUNTY	72	025	024	001	035	+	0002			000
5701 Macon	MACON COUNTY	75	010	010	000	030	-	0001	X		002 YES
5702 Macon	MACON COUNTY	75	010	010	000	020	-	0001	X		001
5802 Madison	MADISON COUNTY	80	012	012	000	018	-	0001	X		001 YES
5901 Martin	MARTIN COUNTY	73	059	054	005	012	-	0002	X		005
6001 Mecklenburg	MECKLENBURG COUNTY	72	105	060	045	035	+	0002	X		000 NO
6201 Montgomery	MONTGOMERY COUNTY	72	027	021	006	014	+	0005			000
6301 Moore	MOORE COUNTY	72	276	055	221	030	+	0010			000
6401 Nash	NASH COUNTY	77	057	043	014	035	+	0002			000
6504 New Hanover	NEW HANOVER COUNTY	81	191	015	125	030	+	0010			000

PERMIT NO. COUNTY NAME OF LANDFILL	YR. OPENED	TOTAL ACRES USED	ACRES REMAIN	ACRES AUG. DEPTH	REMAINING LIFE	EXTENDED LIFE		YRS. EXTENDED LIFE REQUIRED
						YES	NO	
6601 Northampton NORTHAMPTON COUNTY	71	035	027	008	025 + 0010			000
6705 Onslow ONSWLOW COUNTY	84	090	035	055	015 + 0005			000
6801 Orange ORANGE COUNTY	70	205	035	170	018 + 0010			000
6902 Pamlico PAMLICO COUNTY	81	050	010	040	010 + 0010			000
7002 Pasquotank PASQUOTANK COUNTY	84	150	008	142	030 + 0010			000
7101 Pender PENDER COUNTY	73	025	013	012	015 + 0005			000
7102 Pender PENDER COUNTY	74	010	010	001	013 9999			000
7201 Perquimans PERQUIMANS-CHOWAN COUNTY	79	050	014	036	007 + 0010			000
7301 Person PERSON COUNTY	73	040	020	020	013 + 0005			000
7401 Pitt PITT COUNTY	74	100	050	050	015 + 0010			000
7502 Polk POLK COUNTY	79	035	011	024	035 + 0010			000
7601 Randolph RANDOLPH COUNTY	86	095	000	095	040 + 0010			000
7702 Richmond RICHMOND COUNTY	85	125	010	110	016 + 0010			000
7803 Robeson ROBESON COUNTY	85	175	010	169	020 + 0010			000
7901 Rockingham ROCKINGHAM COUNTY	79	012	009	003	055 + 0002			000

PERMIT NO. NAME OF LANDFILL	COUNTY	YR OPENED	TOTAL ACRES USED	ACRES REMAIN	AUC. DEPTH	REMAINING LIFE	EXTENDED LIFE UP YES NO	YRS. EXTENDED LIFE YES/NO	REQUIRED
8001 Rouan	ROUAN COUNTY	78	048	044	004	020 - 0001	X	000 NO	
8102 Rutherford	RUTHERFORD COUNTY	75	023	010	013	035 + 0005		000	
8103 Rutherford	RUTHERFORD COUNTY	74	127	027	100	035 + 0005		000	
8201 Sampson	SAMPSON COUNTY	84	090	006	084	020 + 0010		000	
8301 Scotland	SCOTLAND COUNTY	80	100	040	060	015 + 0005		000	
8401 Stanly	ALBEMARLE, CITY OF	73	050	011	039	020 + 0005		000	
8501 Stokes	STOKES COUNTY	87	025	000	025	020 + 0005		000	
8602 Surry	SURRY COUNTY	83	045	020	025	020 + 0005		000	
8603 Surry	SURRY COUNTY	86	080	016	064	030 + 0005		000	
8701 Swain	SWAIN COUNTY	72	030	029	001	030 + 0002		000	
8803 Transylvania	TRANSLYVANIA COUNTY	75	012	017	000	150 - 0001	X	001	YES
9103 Vance	VANCE COUNTY	74	064	039	025	012 - 0002	X	000 NO	YES
9201 Wake	RALEIGH, CITY OF	72	160	085	075	025 + 0010		000	
9203 Wake	WAKE COUNTY	80	300	100	100	010 + 0005		000	
9204 Wake	SORRELLS	70	060	030	030	075 + 0005		000	

REPORT DATE 03/11/88

11145VR01 PROJECTED LIFE FOR MUNICIPAL/COUNTY LANDFILLS

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PERMIT NO.	COUNTY	YR OPENED	TOTAL ACRES USED	ACRES REMAIN	AVG. DEPTH	REMAINING LIFE	EXTENDED LIFE UP	YES	NO	YRS. LATERAL YES/NO	EXTENDED LIFE REQUIRED
9205	Wake	65	045	045	000	013	9999	X		000	NO
WAKE FOREST, TOWN OF											
9209	Wake	86	219	003	106	045	+	0010		000	
WAKE COUNTY											
9301	Warren	84	012	004	008	020	+	0002		000	
WARREN COUNTY											
9402	Washington	80	030	025	005	010	+	0002		000	
WASHINGTON COUNTY											
9502	Watauga	68	040	017	023	040	+	0005		000	
WATAUGA COUNTY											
9601	Wayne	74	130	030	100	020	+	0010		000	
WAYNE COUNTY											
9602	Wayne	74	085	010	075	020	+	0010		000	
WAYNE COUNTY											
9701	Wilkes	72	032	030	002	035	-	0002	X	002	NO
WILKES COUNTY											
9702	Wilkes	75	022	008	014	010	+	0005		000	
WILKES COUNTY											
9801	Wilson	74	120	060	060	015	+	0005		000	
WILSON COUNTY											
9902	Yadkin	05	051	031	020	015	+	0002		000	
YADKIN COUNTY											

NUMBER OF RECORDS SELECTED FOR THE REPORT = 116

APPENDIX F

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

89-LD-011

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: State Solid Waste Policy.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO COMPLETE
THE DEVELOPMENT OF A STATE COMPREHENSIVE SOLID WASTE MANAGEMENT
PROGRAM BY JANUARY 1, 1991 AND TO ESTABLISH A STATE SOLID WASTE
MANAGEMENT POLICY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-294(a) reads as rewritten:

"§ 130A-294. Solid waste management program. (a) The Department
is authorized and directed to engage in research, conduct
investigations and surveys, make inspections and establish a
~~statewide~~ State comprehensive solid waste management program. In
establishing a program, the Department shall have authority to:
(1) Develop a comprehensive program for implementation of safe
and sanitary practices for management of solid waste;
(2) Advise, consult, cooperate and contract with other State
agencies, units of local government, the federal government,
industries and individuals in the formulation and carrying out of
a solid waste management program;

1 (3) Develop and adopt rules to establish standards for
2 qualification as a waste "recycling, reduction or resource
3 recovering facility" or as waste "recycling, reduction or
4 resource recovering equipment" for the purpose of special tax
5 classifications or treatment, and to certify as qualifying those
6 applicants which meet the established standards. The standards
7 shall be developed to qualify only those facilities and equipment
8 exclusively used in the actual waste recycling, reduction or
9 resource recovering process and shall exclude any incidental or
10 supportive facilities and equipment;

11 (4) Develop a permit system governing the establishment and
12 operation of solid waste management facilities. No permit shall
13 be granted for a sanitary landfill, excluding demolition
14 landfills as defined in the rules of the Commission for Health
15 Services, without the Department receiving the prior approval for
16 such permit from the county where it is to be located, except if
17 it is to be located within the corporate limits or
18 extraterritorial jurisdiction under Article 19 of Chapter 160A of
19 the General Statutes, of a city as defined in G.S. 160A-1(2),
20 from the city where it is to be located or whose jurisdiction it
21 is in. No permit shall be granted for a solid waste management
22 facility having discharges which are point sources until the
23 Department has referred the complete plans and specifications to
24 the Environmental Management Commission and has received advice
25 in writing that the plans and specifications are approved in
26 accordance with the provisions of G.S. 143-215.1. In any case
27 where the Department denies a permit for a solid waste management
28 facility, it shall state in writing the reason for denial and
29 shall also state its estimate of the changes in the applicant's
30 proposed activities or plans which will be required for the
31 applicant to obtain a permit.

32 The issuance of permits for sanitary landfills operated
33 by local governments is exempt from the environmental impact
34 statements required by Article 1 of Chapter 113A of the General
35 Statutes, entitled the North Carolina Environmental Policy Act of

1 1971. All sanitary landfill permits issued to local governments
2 prior to July 1, 1984, are hereby validated notwithstanding any
3 failure to provide environmental impact statements pursuant to
4 the North Carolina Environmental Policy Act of 1971;

5 (4a) No permit shall be granted for any public or private
6 sanitary landfill to receive solid non-radioactive waste
7 generated outside the boundaries of North Carolina to be
8 deposited, unless such waste has previously been inspected by the
9 solid waste regulatory agency of that nation, state or territory,
10 characterized in detail as to its contents and certified by that
11 agency to be non-injurious to health and safety. The Commission
12 shall adopt rules to implement this subsection.

13 (5a) Designate a geographic area within which the collection,
14 transportation, storage and disposal of all solid waste generated
15 within said area shall be accomplished in accordance with a solid
16 waste management plan. Such designation may be made only after
17 the Department has received a request from the unit or units of
18 local government having jurisdiction within said geographic area
19 that such designation be made and after receipt by the Department
20 of a solid waste management plan which shall include:

- 21 a. The existing and projected population for such area;
- 22 b. The quantities of solid waste generated and estimated to be
23 generated in such area;
- 24 c. The availability of sanitary landfill sites and the
25 environmental impact of continued landfill of solid waste on
26 surface and subsurface waters;
- 27 d. The method of solid waste disposal to be utilized and the
28 energy or material which shall be recovered from the waste; and
- 29 e. Such other data that the Department may reasonably require.

30 (5b) Authorize units of local government to require by
31 ordinance, that all solid waste generated within the designated
32 geographic area that is placed in the waste stream for disposal
33 be collected, transported, stored and disposed of at a permitted
34 solid waste management facility or facilities serving such area.
35 The provisions of such ordinance shall not be construed to

1 prohibit the source separation of materials from solid waste
2 prior to collection of such solid waste for disposal, or prohibit
3 collectors of solid waste from recycling materials or limit
4 access to such materials as an incident to collection of such
5 solid waste; provided such prohibitions do not authorize the
6 construction and operation of a resource recovery facility unless
7 specifically permitted pursuant to an approved solid waste
8 management plan. If a private solid waste landfill shall be
9 substantially affected by such ordinance then the unit of local
10 government adopting the ordinance shall be required to give the
11 operator of the affected landfill at least two years written
12 notice prior to the effective date of the proposed ordinance.

13 (5c) Except for the authority to designate a geographic area to
14 be serviced by a solid waste management facility, delegate
15 authority and responsibility to units of local government to
16 perform all or a portion of a solid waste management program
17 within the jurisdictional area of the unit of local government;
18 provided that no authority over or control of the operations or
19 properties of one local government shall be delegated to any
20 other local government.

21 (5d) Require that an annual report of the implementation of the
22 solid waste management plan within the designated geographic area
23 be filed with the Department.

24 (6) The Department is authorized to charge and collect fees
25 from operators of hazardous waste landfill facilities. The fees
26 shall be used to establish a fund sufficient for each individual
27 facility to defray the anticipated costs to the State for
28 monitoring and care of the facility after the termination of the
29 period during which the facility operator is required by
30 applicable State and federal statutes, regulations or rules to
31 remain responsible for post-closure monitoring and care. In
32 establishing the fees, consideration shall be given to the size
33 of the facility, the nature of the hazardous waste and the
34 projected life of the facility.

(7) Establish and collect annual fees from generators and transporters of hazardous waste, and from storage, treatment, and disposal facilities regulated under this Article as provided in G.S. 130A-294.1."

Sec. 2. Article 9 of Chapter 130A of the General Statutes is amended by adding a section to read:

"§ 130A-290.1. Findings; Declaration of policy. (a) The General Assembly finds:

(1) North Carolina confronts a crisis in solid waste management due to the shortage of landfill space, the stricter federal regulations that are drastically more expensive to implement, and the present knowledge that landfills threaten the groundwater of this State.

(2) More effective and responsive management of solid waste is necessary to protect the public health and safety, to protect the environment, and to protect the long term economic well-being of the State.

(3) The interests of the State are inextricably connected to the proper voluntary management of solid waste by the units of local government. It is in the best interests of the State and its citizens to develop a State policy and programs that serve to assist units of local government seeking solutions to their solid waste problems.

(b) The policy of the State is to promote methods of solid waste management that are alternatives to disposal in landfills and to assist units of local government with solid waste management. In furtherance of this State policy, there is established a hierarchy of methods of managing solid waste, in descending order of preference:

- (1) Waste volume reduction at the source;
- (2) Recycling and reuse;
- (3) Composting;
- (4) Incineration with energy production;
- (5) Incineration for volume reduction;
- (6) Disposal in landfills.

1 It is also the policy of the State to encourage reserch into
2 innovative solid waste management methods and products and to
3 encourage regional solid waste projects.

4 (c) In furtherance of the State's solid waste policy, the
5 State shall:

6 (1) Establish the minimum Statewide goal of recycling
7 twenty-five percent (25%) of the total waste stream by January 1,
8 1993;

9 (2) Require State agencies to develop a plan to
10 participate in meeting the State's recycling goal;

11 (3) Require the State to give preference to the purchase
12 of products with recycled content; and

13 (4) Require each county, in cooperation with its
14 municipalities, to develop a comprehensive county solid waste
15 management program and submit that program to the State for
16 approval by January 1, 1992. The State comprehensive solid waste
17 program, required under the provisions of G.S 130A-294(a), shall
18 provide a framework for a county comprehensive solid waste
19 program.

20 In counties where a municipality operates the major solid waste
21 disposal facility, the comprehensive solid waste program may be
22 prepared by the municipality, with the agreement of the county
23 and in cooperation with the other municipalities. Each county's
24 comprehensive solid waste management program shall include
25 provisions which address the county's plan for accomplishing the
26 State's recycling goal.

27 (d) The State shall develop a form designed to elicit pertinent
28 information regarding a county's proposal for its solid waste
29 management program. A county shall complete this form and submit
30 it to the State, which shall notify the county whether the
31 proposal has been approved."

32 Sec. 3. The Department of Human Resources shall
33 complete the development of the State comprehensive solid waste
34 program in Section 1 of this act by January 1, 1991.

1 Sec. 4. This act shall become effective October 1,
2 1989.

APPENDIX G

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

89-LDQ-005

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Solid Waste Branch Staff Funds. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO APPROPRIATE FUNDS FOR THE STAFF NEEDS OF THE SOLID
3 WASTE BRANCH OF THE DEPARTMENT OF HUMAN RESOURCES.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Human Resources, Division of Health
7 Services, Solid Waste Management Section, Solid Waste Branch, the
8 sum of one million one hundred eighty-seven thousand seven
9 hundred twenty-five dollars (\$1,187,725) for the 1989-90 fiscal
10 year to establish and provide support for twenty-five (25) new
11 positions in the Solid Waste Branch and two million seven hundred
12 ninety-two thousand four hundred sixty dollars (\$2,792,460) for
13 the 1990-91 fiscal year to maintain and support the twenty-five
14 (25) positions created in the 1989-90 fiscal year and to
15 establish and support an additional twenty-five (25) new
16 positions in the Solid Waste Branch.

17 These positions shall be used to provide assistance in
18 permitting, to provide technical assistance, to research waste
19 reduction and handling, to establish a clearinghouse of

1 information, to hire a public health educator, to train and
2 educate recycling coordinators and landfill operators, and to
3 propose contracts and grants for new technology and innovative
4 solid waste projects, including projects that avoid or reduce
5 waste streams.

6 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX H
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S

D

89N-LD-17
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Solid Waste Revolving Fund. (Public)

Sponsors: Senator Speed.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE NORTH CAROLINA SOLID WASTE MANAGEMENT
3 REVOLVING LOAN FUND.
4 The General Assembly of North Carolina enacts:
5 Whereas, the 1987 Session of the General Assembly
6 authorized the Legislative Research Commission to study the
7 subject of solid waste management in North Carolina; and
8 Whereas, the Solid Waste Management Study Committee has
9 determined that the State of North Carolina confronts a crisis in
10 solid waste management in the immediate future, in that 13
11 counties will run out of landfill space within two years and one-
12 third of all landfills in the State will have reached their
13 capacity within five years; and
14 Whereas, many units of local government do not have the
15 resources to implement alternative methods of solid waste
16 management or to meet the stricter federal rules regarding
17 landfills; and
18 Whereas, improved solid waste management practices are
19 necessary to preserve the quality of North Carolina's groundwater

1 and to insure that North Carolina remains competitive with other
2 states in economic development; and

3 Whereas, it is the consensus of the members of the Solid
4 Waste Management Study Committee that it would serve the
5 interests of the State to establish a revolving loan fund to
6 provide low interest loans to those units of local government
7 that are trying to address their solid waste problems, but simply
8 do not have the funds to do so; and

9 Whereas, the North Carolina Commission on Jobs and
10 Economic Growth is charged to identify the major economic
11 concerns facing this State and to recommend solutions; and

12 Whereas, on March 29, 1988, the North Carolina
13 Commission on Jobs and Economic Growth adopted a provision for
14 its 1988 report recommending that a solid waste management
15 revolving loan fund be established; Now, therefore,
16 The General Assembly of North Carolina enacts:

17 Section 1. Article 9 of Chapter 130A of the General
18 Statutes is amended by adding the following Part:

19 "Part 2A. North Carolina Solid
20 Waste Management Revolving Loan Program.

21 "§ 130A-304.1. Short Title.--This Part may be cited as the
22 North Carolina Solid Waste Management Revolving Loan Program.

23 "§ 130A-304.2. Purpose.--The General Assembly recognizes that
24 units of local government, or two or more units of local
25 government that establish a joint agency regarding a solid waste
26 management project, need a low-interest source of funds to
27 implement solid waste management programs. North Carolina local
28 governments will confront a crisis in solid waste management in
29 the near future. Within five years of the creation of this
30 program, one-third of all the landfills in this State will have
31 reached their capacity. Many local governments simply do not
32 have the funds to meet:

33 (1) The dramatically increased costs of constructing new
34 landfills that satisfy the stricter federal Environmental
35 Protection Agency standards; or

1 (2) The cost of constructing a local or regional incinerator
2 that would serve to reduce the volume of waste to be landfilled;
3 or

4 (3) The costs of implementing alternative programs to reduce
5 the amount of waste generated, to decrease the volume of waste
6 that is generated, or to recover or to recycle that part of the
7 waste stream that can be recovered or used for another purpose.

8 The General Assembly acknowledges that comprehensive solid
9 waste management programs at a local or regional level are needed
10 in order to preserve the quality of North Carolina's groundwater.
11 It is the intent of the General Assembly to facilitate the
12 implementation of local and regional solid waste management
13 programs by establishing a revolving loan fund for financing the
14 capital expenses of these programs. The General Assembly seeks
15 to encourage and assist units of local government to continue to
16 voluntarily provide solid waste collection and disposal for their
17 citizens, thereby maintaining a clean and healthful environment
18 and an adequate supply of clean water.

19 "§ 130A-304.3. Definitions.--The following definitions shall
20 apply throughout this Part, unless the context requires
21 otherwise:

22 (1) 'Debt instrument' means an instrument in the nature of a
23 promissory note executed by a unit of local government under the
24 provisions of G.S. 130A-304.10, to evidence a debt to the State
25 and obligation to repay the principal, plus interest, under
26 stated terms.

27 (2) 'Division of Health Services' means the Division of Health
28 Services of the Department of Human Resources.

29 (3) 'Loan' means moneys loaned by the State to a unit of local
30 government, as defined in G.S. 130A-290(25), or to two or more
31 units of local government in this State that establish a joint
32 agency pursuant to G.S. 160A-462, to subsidize a project
33 authorized by this Part, with an obligation to repay these moneys
34 plus interest.

1 (4) 'Local Government Commission' means the Local Government
2 Commission of the Department of the State Treasurer, established
3 by Article 2 of Chapter 159 of the General Statutes.

4 "§ 130A-304.4. Solid Waste Management Revolving Loan
5 Fund.--(a) A fund to be known as the Solid Waste Management
6 Revolving Loan Fund is established. Moneys appropriated to, paid
7 to, or earned by this fund shall be deposited with the State
8 Treasurer. This fund shall be administered by the Office of
9 State Budget and Management. The Office of State Budget and
10 Management shall be responsible for receipt and disbursement of
11 all moneys as provided for in this Part.

12 (b) Moneys in the Solid Waste Management Loan Fund may be
13 invested in the same manner as permitted for investments of funds
14 belonging to the State or held in the State Treasury. Interest
15 earnings derived from such investments shall be credited to the
16 Fund.

17 (c) All payments of interest and principal resulting from
18 loans shall be credited to the Fund. Terms and conditions for
19 repayment of loans are set forth in G.S. 130A-304.10.

20 "§ 130A-304.5. Eligible purpose.--Moneys received into the
21 Solid Waste Management Revolving Loan Fund shall be available for
22 loans to units of local government, and to two or more units of
23 local government that establish a joint agency pursuant to G.S.
24 160A-462, for capital expenditures to implement a solid waste
25 management project. Eligible uses shall be for the purchase of
26 equipment or facilities, and shall include but are not limited to
27 construction costs of an incinerator; land to be used for
28 recycling facilities; leachate collection and treatment systems;
29 liners for landfills; monitoring wells; recycling equipment and
30 facilities; and volume reduction equipment.

31 Loans may not be extended for:

32 (1) The operational and maintenance costs of solid waste
33 management facilities or programs;

34 (2) General planning or feasibility studies; or

1 (3) The purchase of land, unless the land is to be used for a
2 recycling facility.

3 "§ 130A-304.6. Loan limit.--The maximum principal amount of a
4 loan made to a unit of local government, or to two or more units
5 of local government that have established a joint agency pursuant
6 to G.S. 160A-462, during any fiscal year shall be two million
7 dollars (\$2,000,000).

8 "§ 130A-304.7. Application.--(a) All applications for loans
9 shall be filed with the Division of Health Services. The
10 information required in the application shall be sufficient to
11 permit the Division of Health Services to determine the
12 eligibility of the applicant pursuant to G.S. 130A-304.8 and to
13 establish the priority of the application pursuant to G.S. 130A-
14 304.9. An applicant shall furnish information in addition or
15 supplemental to the information contained in its application upon
16 written request.

17 (b) Applicants may apply for a loan prior to arranging for
18 repayment pursuant to G.S. 130A-304.10.

19 "§ 130-304.8. Eligible applicant.--Any applicant is eligible
20 for a loan under this Part if it can demonstrate to the
21 satisfaction of the Division of Health Services that:

22 (1) The applicant is a unit of local government, or two or
23 more units of local government that have established a joint
24 agency pursuant to G.S. 160A-462;

25 (2) The applicant has the financial capacity to pay the
26 principal and the interest on the loan for which application is
27 made;

28 (3) The applicant has substantially complied or will
29 substantially comply with all applicable laws, rules, regulations
30 and ordinances, federal, State, and local; and

31 (4) The applicant has agreed by official resolution of the
32 unit of local government, or by official resolution of each unit
33 of local government comprising a joint agency, to adopt and place
34 into effect on or before completion of the project a schedule of
35 repayment of all principal and interest on the loan.

1 "§ 130A-304.9. Priority factors.--(a) An application for a
2 loan under this Part shall be assigned a priority by the Division
3 of Health Services. Factors to be taken into consideration in
4 assigning such priorities shall include, but are not limited to,
5 current implementation by the unit of local government of a
6 recycling program or a waste stream reduction program; financial
7 need; groundwater protection needs; local effort; public health
8 needs; and the proposed purpose of the applicant's loan is to
9 implement a method of disposal that is an alternative to
10 landfilling.

11 (b) A written statement of each priority assigned shall be
12 prepared by the Division of Health Services and shall be attached
13 to the application. The priority assigned shall be conclusive.

14 (c) Any application that does not qualify for a loan for the
15 period in which the application was eligible for consideration by
16 reason of the priority assigned shall be considered for a loan
17 during the next period upon written request of the applicant. If
18 the second application should fail to qualify for a loan during
19 the period for consideration by reason of the priority assigned,
20 the application shall receive no further consideration. An
21 applicant may file a new or amended application at any time.

22 "§ 130A-304.10. Interest rate; methods of repayment.--(a) At
23 the beginning of each quarter, the interest rate for all loans
24 made during that quarter shall be the lesser of four percent (4%)
25 or one-half (1/2) the prevailing national market rate for tax
26 exempt general obligation debt of similar maturities derived from
27 a published indicator. The interest rate established for a given
28 loan shall apply throughout the period of that loan.

29 (b) A unit of local government may arrange to repay a loan by
30 executing a debt instrument payable to the State as a method of
31 repayment. A unit of local government shall pledge as security
32 for such obligations the user fee revenues derived from operation
33 of solid waste facilities, other nontax revenues, or their faith
34 and credit. The faith and credit of a unit of local government
35 shall not be pledged or be deemed to have been pledged unless the

1 requirements of Article 4, Chapter 159 of the General Statutes
2 have been met. The Office of State Budget and Management and the
3 State Treasurer, with the assistance of the Local Government
4 Commission, shall develop and adopt appropriate debt instruments
5 for use under this Part. The Local Government Commission shall
6 develop and adopt appropriate procedures for the delivery of debt
7 instruments to the State without any public bidding.

8 (c) The Local Government Commission shall review and approve
9 proposed loans to applicants under this Part under the provisions
10 of Articles 4 and 5, Chapter 159 of the General Statutes, as if
11 the issuance of bonds was proposed, so far as those provisions
12 are applicable. Loans under this Part shall be outstanding debt
13 for the purpose of Article 10, Chapter 159 of the General
14 Statutes.

15 (d) The proposed schedule for repayment of the loan shall be
16 recommended by the Local Government Commission and agreed to by
17 the unit of local government, or two or more units of local
18 government that have established a joint agency pursuant to G.S.
19 160A-462, prior to final award of the loan.

20 (e) Upon any default in the repayment of a loan, the Local
21 Government Commission may, on behalf of the State, initiate such
22 proceedings provided by statute and regulation, including the
23 provisions of G.S. 159-181, as it may deem necessary to recover
24 unpaid principal, interest, penalties, costs and fees due to the
25 State.

26 "§ 130A-304.11. Disbursement.--(a) No funds shall be
27 disbursed by the Office of State Budget and Management for any
28 loan until:

29 (1) It has received from the Division of Health
30 Services a certificate of eligibility that states
31 that the applicant meets all eligibility criteria,
32 and that all procedural requirements of this Part
33 have been met; and

34 (2) The unit of local government, or two or more units
35 of local government that have established a joint

1 agency pursuant to 160A-462, have confirmed a
2 method of repayment of the loan pursuant to G.S.
3 130A-304.10.

4 (b) Once the prerequisites for disbursement have been
5 satisfied pursuant to subsection (a) of this section, the State
6 Treasurer shall establish an account in the amount of the loan
7 and these moneys shall be disbursed as expended through warrants
8 drawn on the State Treasurer.

9 "§ 130A-304.12. Withdrawal of commitment.--Failure of an
10 applicant, within one year of the date of acceptance of a loan to
11 arrange for necessary financing of the proposed project, shall
12 constitute sufficient cause for withdrawal of the commitment.
13 Prior to withdrawal of a commitment, the Division of Health
14 Services shall give due consideration to any extenuating
15 circumstances presented by the applicant as reasons for its
16 failure to arrange necessary financing. The commitment may be
17 extended for an additional period of time if, in the judgment of
18 the Division of Health Services, an extension is justified.

19 "§ 130A-304.13. Inspection.--Inspection of a project for which
20 a loan has been made under this Part may be performed by
21 qualified personnel of the Division of Health Services or by
22 qualified professional engineers, registered in this State, who
23 have been approved by the Division of Health Services. No person
24 may be approved to perform inspections who is an officer or
25 employee of the unit of local government to which the loan was
26 made or who is an owner, officer, employee or agent of a
27 contractor or subcontractor engaged in the construction of any
28 project for which the loan was made.

29 "§ 130A-304.14. Rules.--(a) The Office of State Budget and
30 Management and the Commission for Health Services of the
31 Department of Human Resources may adopt, modify and repeal rules
32 establishing the procedures to be followed in the administration
33 of this Part and regulations interpreting and applying the
34 provisions of this Part, as provided in the Administrative
35 Procedure Act. Uniform rules may be jointly adopted where

1 feasible and desirable, and no rule jointly adopted may be
2 modified or revoked except upon the concurrence of both agencies
3 involved.

4 (b) A copy of the rules adopted to implement the provisions of
5 this Part shall be furnished free of charge by the Division of
6 Health Services and the Office of State Budget and Management to
7 any unit of local government.

8 "§ 130A-304.15. Annual reports to Joint Legislative Commission
9 on Government Operations.--(a) The Office of State Budget and
10 Management and the Division of Health Services shall prepare and
11 file on or before July 31 of each year with the Joint Legislative
12 Commission on Governmental Operations a consolidated report for
13 the preceding fiscal year concerning the allocation of loans
14 authorized by this Part.

15 (b) The portion of the report prepared by the Office of State
16 Budget and Management shall set forth for the preceding fiscal
17 year itemized and total allocations from the Solid Waste
18 Management Revolving Loan Fund for loans authorized by the
19 Division of Health Services. The Office of State Budget and
20 Management shall also prepare a summary report of all allocations
21 made from the Fund for each fiscal year; the total funds received
22 and allocations made; and the total unallocated funds in the Fund
23 as of the end of the preceding fiscal year.

24 (c) The portion of the report prepared by the Division of
25 Health Services shall include:

26 (1) Identification of each loan made during the
27 preceding fiscal year; the total amount of the loan
28 commitments; the sums actually paid during the
29 preceding fiscal year to each loan disbursed and to
30 each loan previously committed but unpaid; and the
31 total loan funds paid during the preceding fiscal
32 year;

33 (2) Summarization for all preceding years of the total
34 number of loans made; the total funds committed to

1 these loans; the total sum actually paid to loans;
2 and

3 (3) Assessment and evaluation of the effects that
4 approved projects have had upon solid waste
5 management within the purposes of this Part.

6 (d) The report shall be signed by each of the chief executive
7 officers of the two State agencies preparing the report."

8 Sec. 2. G.S. 159-7(b)(4) reads as rewritten:

9 "(4) 'Debt service' is the sum of money required to pay
10 installments of principal and interest on bonds, notes, and other
11 evidences of debt accruing within a fiscal year, to maintain
12 sinking funds, and to pay installments on debt instruments issued
13 pursuant to Chapter 159G of the General Statutes or Part 2A of
14 Article 9 of Chapter 130A of the General Statutes accruing within
15 a fiscal year."

16 Sec. 3. G.S. 159-35(c) reads as rewritten:

17 "(c) The secretary shall mail to each unit of local government
18 not later than 30 days prior to the due date of each payment due
19 to the State under debt instruments issued pursuant to Chapter
20 159G of the General Statutes or Part 2A of Article 9 of Chapter
21 130A of the General Statutes a statement of the amount so
22 payable, the due date, the amount of any moneys due to the unit
23 of local government that will be withheld by the State and
24 applied to the payment, the amount due to be paid by the unit of
25 local government from local sources, the place to which payment
26 should be sent, and a summary of the legal penalties for failing
27 to honor the debt instrument according to its terms. Failure of
28 the secretary timely to mail such statement or otherwise comply
29 with the provisions of this subsection (c) shall not affect in
30 any manner the obligation of a unit of local government to make
31 payments to the State in accordance with any such debt
32 instrument."

33 Sec. 4. G.S. 159-36(b) reads as rewritten:

34 "(b) This section does not apply to contractual obligations
35 undertaken by a unit of local government in a debt instrument

1 issued pursuant to Chapter 159G of the General Statutes or Part
2 2A of Article 9 of Chapter 130A of the General Statutes unless
3 such debt instrument is secured by a pledge of the faith and
4 credit of the unit of local government."

5 Sec. 5. G.S. 159-45 reads as rewritten:

6 "\$ 159-45. All general obligation bonds subject to Local
7 Government Bond Act.--No unit of local government in this State
8 shall have authority to enter into any contract or agreement,
9 whether oral or written, whereby it borrows money and makes an
10 express or implied pledge of its power to levy taxes as security
11 for repayment of the loan, except by ~~the~~:

12 (1) The issuance of its bonds in accordance with the
13 limitations and procedures prescribed in this Article; ~~or by the~~

14 (2) The issuance of its negotiable notes in accordance with
15 the limitations and procedures prescribed in Article 9 of this
16 Chapter; ~~or by the~~

17 (3) The issuance of debt instruments in accordance with the
18 limitations and procedures prescribed in Chapter 159G of the
19 General Statutes; ~~or~~

20 (4) The issuance of debt instruments in accordance with the
21 limitations and procedures prescribed in Part 2A of Article 9 of
22 Chapter 130A of the General Statutes."

23 Sec. 6. G.S. 159-46 reads as rewritten:

24 "\$ 159-46. Faith and credit pledged.--The faith and credit of
25 the issuing unit are hereby pledged for the payment of the
26 principal of and interest on all bonds issued under this Article
27 and debt instruments secured by a pledge of its faith and credit
28 in accordance with the limitations and procedures prescribed in
29 Chapter 159G of the General Statutes or Part 2A of Article 9 of
30 Chapter 130A of the General Statutes according to their terms,
31 and the power and obligation of the issuing unit to levy taxes
32 and raise other revenues for the prompt payment of installments
33 of principal and interest or for the maintenance of sinking funds
34 shall be unrestricted as to rate or amount, notwithstanding any

1 other provisions of law whether general, special, local, or
2 private."

3 Sec. 7. G.S. 159-123(d) reads as rewritten:

4 "(d) This section shall not apply to funding or refunding bonds
5 when the governing board of the issuing unit and the holders of
6 the debt to be funded or refunded have agreed to exchange the
7 original obligations for new ones at the same or an adjusted rate
8 of interest. This section also shall not apply to debt
9 instruments that the State has previously agreed to purchase
10 pursuant to Chapter 159G of the General Statutes, or Part 2A of
11 Article 9 of Chapter 130A of the General Statutes."

12 Sec. 8. This act shall be construed liberally to
13 effectuate the legislative intent and the purposes as complete
14 and independent authority for the performance of each and every
15 act and thing authorized by this act, and all powers granted
16 shall be broadly interpreted to effectuate the intent and
17 purposes and not as a limitation of powers.

18 Sec. 9. If a section, subsection, subdivision, clause
19 or provision of this act is adjudged unconstitutional or is
20 ineffective, the remainder of this act shall be valid and
21 effective. Any other section, subsection, subdivision, clause,
22 or provision of this act shall not on account of that judgment be
23 considered invalid or ineffective and the inapplicability or
24 invalidity of a section, subsection, subdivision, clause, or
25 provision of this act in one or more instances or under one or
26 more circumstances shall not be taken to affect or prejudice in
27 any way its applicability or validity in any other instance or
28 under any other circumstance.

29 Sec. 10. There is appropriated from the General Fund to
30 the Solid Waste Management Revolving Loan Fund created in Section
31 1 of this act the sum of ten million dollars (\$10,000,000) for
32 fiscal year 1989-90 and ten million dollars (\$10,000,000) for
33 fiscal year 1990-91 for the purposes set forth in this act.

34 Sec. 11. This act is effective upon ratification.

APPENDIX I
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

D

89-LD-007
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: State To Buy Recycled Goods. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DECLARE THAT IT IS A POLICY OF THIS STATE TO PROMOTE
THE USE OF PRODUCTS WITH RECYCLED CONTENT IN STATE PURCHASING,
AND TO GIVE PREFERENCE TO THE PURCHASE OF PRODUCTS WITH
RECYCLED CONTENT AND TO CONTRACTORS WHO USE PRODUCTS WITH
RECYCLED CONTENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-48 reads as rewritten:

"§ 143-48. State policy; cooperation in promoting the use of
small, minority, physically handicapped and women contractors;
purpose. It is the policy of this State to encourage and promote
the use of small, minority, physically handicapped and women
contractors, and the use of products with recycled content, in
State purchasing of goods and services. All State agencies,
institutions and political subdivisions shall cooperate with the
Department of Administration and all other State agencies,
institutions and political subdivisions in efforts to encourage
the use of small, minority, physically handicapped and women
contractors, and the use of products with recycled content, in

1 achieving the purpose of this Article, which is to provide for
2 the effective and economical acquisition, management and
3 disposition of goods and services by and through the Department
4 of Administration."

5 Sec. 2. G.S. 143-49 reads as rewritten:

6 "§ 143-49. Powers and duties of Secretary. The Secretary of
7 Administration shall have power and authority, and it shall be
8 his duty, subject to the provisions of this Article:

9 (1) To canvass sources of supply, including the sources of the
10 supply of products with recycled content, and to purchase or to
11 contract for the purchase, lease and lease-purchase of all
12 supplies, materials, equipment and other tangible personal
13 property required by the State government, or any of its
14 departments, institutions or agencies under competitive bidding
15 or otherwise as hereinafter provided.

16 (1a) To adopt rules and regulations to implement G.S. 143-58.2.

17 (2) To establish and enforce specifications which shall apply
18 to all supplies, materials and equipment to be purchased or
19 leased for the use of the State government or any of its
20 departments, institutions or agencies.

21 (3) To purchase or to contract for, by sealed, competitive
22 bidding or other suitable means, all contractual services and
23 needs of the State government, or any of its departments,
24 institutions, or agencies; or to authorize any department,
25 institution or agency to purchase or contract for such services.

26 When the award of any contract for contractual services
27 exceeding a cost of one hundred thousand dollars (\$100,000)
28 requires negotiation with prospective contractors, the Secretary
29 shall request and the Attorney General shall assign a
30 representative of the office of the Attorney General to assist in
31 negotiation for the award of the contract. It shall be the duty
32 of such representative to assist and advise in obtaining the most
33 favorable contract for the State, to evaluate all proposals
34 available from prospective contractors for that purpose, to
35 interpret proposed contract terms and to advise the Secretary or

1 his representatives of the liabilities of the State and validity
2 of the contract to be awarded. All contracts and drafts of such
3 contracts shall be prepared by the office of the Attorney General
4 and copies thereof shall be retained by such office for a period
5 of three years following the termination of such contracts. The
6 term 'contractual services' as used in this subsection shall mean
7 work performed by an independent contractor requiring specialized
8 knowledge, experience, expertise or similar capabilities wherein
9 the service rendered does not consist primarily of acquisition by
10 this State of equipment or materials and the rental of equipment,
11 materials and supplies. The term 'negotiation' as used herein
12 shall not be deemed to refer to contracts entered into or to be
13 entered into as a result of a competitive bidding process.

14 (4) To have general supervision of all storerooms and stores
15 operated by the State government, or any of its departments,
16 institutions or agencies; to provide for transfer or exchange to
17 or between all State departments, institutions and agencies, or
18 to sell all supplies, materials and equipment which are surplus,
19 obsolete or unused; and to have supervision of inventories of all
20 tangible personal property belonging to the State government, or
21 any of its departments, institutions or agencies. All receipts
22 from the transfer or sale of such surplus, obsolete or unused
23 equipment of State departments, institutions and agencies which
24 are supported by appropriations from the general fund, except
25 where such receipts have been anticipated for, or budgeted
26 against the cost of replacements, shall be placed by the
27 Secretary in an equipment reserve fund from which expenditures
28 may be made only with prior approval of the Director of the
29 Budget. The duties imposed by this subdivision shall not relieve
30 any department, institution or agency of the State government
31 from accountability for equipment, materials, supplies and
32 tangible personal property under its control. Prior to taking any
33 action under this subdivision concerning expenditures from the
34 equipment reserve fund, the Secretary may consult with the
35 Advisory Budget Commission.

1 (5) To make provision for or to contract for all State
2 printing, including all printing, binding, paper stock and
3 supplies or materials in connection with the same.

4 (6) To make available to nonprofit corporations operating
5 charitable hospitals, to local nonprofit community sheltered
6 workshops or centers that meet standards established by the
7 Division of Vocational Rehabilitation of the Department of Human
8 Resources, and to counties, cities, towns, governmental entities
9 and other subdivisions of the State and public agencies thereof
10 in the expenditure of public funds, the services of the
11 Department of Administration in the purchase of materials,
12 supplies and equipment under such rules, regulations and
13 procedures as the Secretary of Administration may adopt. In
14 adopting rules and regulations any or all provisions of this
15 Article may be made applicable to such purchases and contracts
16 made through the Department of Administration, and in addition
17 the rules and regulations shall contain a requirement that
18 payment for all such purchases be made in accordance with the
19 terms of the contract. Prior to adopting rules and regulations
20 under this subdivision, the Secretary of Administration may
21 consult with the Advisory Budget Commission."

22 Sec. 3. Article 3 of Chapter 143 is amended by adding a
23 section to read:

24 "§ 143-58.2 Preference given to the purchase of products with
25 recycled content.--(a) The Secretary of Administration shall
26 review and modify all bid and product specifications so that the
27 specifications do not discriminate against products with recycled
28 content. The Secretary of Administration shall give preference:

29 (1) In the purchase of products, to products with
30 recycled content, and

31 (2) In contracting for services, to contractors who use
32 products with recycled content

33 to the extent practicable. A preference shall be deemed
34 practicable if the added cost of using a product with recycled

1 content rather than virgin material is not more than ten percent
2 (10%). The greatest preference shall be given to:

3 (1) Those products, and

4 (2) Those contractors who use products

5 with the highest percentage of post-consumer waste material.

6 (b) Each State agency authorized to purchase products or to
7 contract for services for use by its departments, institutions,
8 or agencies, or for any county, city, town, governmental entity,
9 or other subdivision of the State and public agency thereof in
10 the expenditure of State funds shall:

11 (1) Request information on supplies that are products
12 with recycled content on solicitations for supplies
13 that could be products with recycled content,
14 including paper products, oil, plastic products,
15 auto parts, compost materials, aggregate,
16 insulation, solvents, and rubber products; and

17 (2) Require contractors to certify the percentage of
18 post-consumer waste material in supplies.

19 (c) The total dollar amount of recycled paper or recycled
20 paper products purchased by the State shall be not less than ten
21 percent (10%) of the paper or paper products purchased on or
22 after January 1, 1991.

23 (d) Any person who believes that a particular product or
24 material with recycled content may be beneficially used instead
25 of another product or material may request the Secretary of
26 Administration to evaluate that product or material. The
27 Secretary shall review each reasonable proposal to determine its
28 merit and, if it finds that the product or material may be used
29 beneficially, it may incorporate that product or material into
30 its procurement procedures.

31 (e) The Secretary of Administration shall review and revise
32 its procedures and specifications on a continuing basis to
33 encourage the use of products and materials with recycled content
34 and shall, in developing new procedures and specifications,

1 encourage the use of products and materials with recycled
2 content.

3 (f) All State agencies that have been authorized to make
4 purchases or to contract for services for departments,
5 institutions, or agencies, or for any county, city, town,
6 governmental entity or other subdivision of the State and public
7 agencies thereof in the expenditure of State funds, shall
8 cooperate with the Secretary in carrying out the provisions of
9 this section, and shall report to the Secretary within 90 days
10 after the end of the fiscal year. The Secretary shall report to
11 Department of Human Resources within 180 days after the end of
12 the fiscal year. A report under this subsection shall provide
13 information concerning:

- 14 (1) The quantity of procurements of supplies made from
15 recovered materials;
16 (2) The percentage of post-consumer waste material in
17 those supplies; and
18 (3) Other relevant information about the implementation
19 of this section.

20 (g) For the purposes of this section, the following
21 definitions shall apply, unless the context indicates otherwise:

- 22 (1) 'Recycled content' means materials that have been
23 recycled that are contained in the products or
24 materials to be procured. The term does not
25 include internally generated scrap that is commonly
26 used in industrial or manufacturing processes or
27 waste or scrap purchased from another manufacturer
28 who manufactures the same or a closely related
29 product.
30 (2) 'Post-consumer waste material' means any product
31 that:
32 a. is generated by a business or a consumer;
33 b. has served its intended end use;

c. has been separated from solid waste for the purposes of collection, recycling, and disposition; and
d. does not include secondary waste material."

Sec. 4. G.S. 143-135.5 reads as rewritten:

"§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors, and the use of products with recycled content; purpose. It is the policy of this State to encourage and promote the use of small, minority, physically handicapped and women contractors, and the use of products with recycled content, in State construction projects. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage and promote the use of small, minority, physically handicapped and women contractors, and the use of products with recycled content, in achieving the purpose of this Article, which is the effective and economical construction of public buildings."

Sec. 5. Article 8 of Chapter 143 of the General Statutes is amended by adding a section to read:

"§ 143-135.6. Preference given to the purchase of products with recycled content.--(a) The Secretary of Administration shall review and modify all bid and product specifications so that the specifications do not discriminate against products with recycled content. Any board or governing body of the State, or of any institution of the State government, or of any county, city, town, or other subdivision of the State, that contracts for the purchase of products or for services, including the construction, alteration, or repair of any building, pursuant to this Article shall give preference:

(1) In the purchase of products, to products with recycled content, and

(2) In contracting for services, to contractors who use products with recycled content

1 to the extent practicable. A preference shall be deemed
2 practicable if the added cost of using a product with recycled
3 content rather than virgin material is not more than ten percent
4 (10%). The greatest preference shall be given to:

5 (1) Those products, and

6 (2) Those contractors who use products

7 with the highest percentage of post-consumer waste material.

8 (b) Any board or governing body of the State, or of any
9 institution of the State government, or of any county, city,
10 town, or other subdivision of the State, that contracts for the
11 purchase of products or for services, including the construction,
12 alteration, or repair of any building, pursuant to this Article
13 shall:

14 (1) Request information on supplies that are products
15 with recycled content on solicitations for supplies
16 that could be products with recycled content,
17 including paper products, oil, plastic products,
18 auto parts, compost materials, aggregate,
19 insulation, solvents, and rubber products; and

20 (2) Require contractors to certify the percentage of
21 post-consumer waste material in supplies.

22 (c) The total dollar amount of recycled paper or recycled
23 paper products purchased pursuant to this Article shall be not
24 less than ten percent (10%) of the paper or paper products
25 purchased on or after January 1, 1991.

26 (d) Any person who believes that a particular product or
27 material with recycled content may be beneficially used instead
28 of another product or material may request the Secretary of
29 Administration to evaluate that product or material. The
30 Secretary shall review each reasonable proposal to determine its
31 merit and, if it finds that the product or material may be used
32 beneficially, it may incorporate that product or material into
33 its procurement procedures.

34 (e) The Secretary of Administration shall review and revise
35 its procedures and specifications on a continuing basis to

1 encourage the use of products and materials with recycled content
2 and shall, in developing new procedures and specifications,
3 encourage the use of products and materials with recycled
4 content.

5 (f) Any board or governing body of the State, or of any
6 institution of the State government, or of any county, city,
7 town, or other subdivision of the State, that contracts for the
8 purchase of products or for services, including the construction,
9 alteration, or repair of any building, pursuant to this Article
10 shall cooperate with the Secretary in carrying out the provisions
11 of this section, and shall report to the Secretary within 90 days
12 after the end of the fiscal year. The Secretary shall report to
13 Department of Human Resources within 180 days after the end of
14 the fiscal year. A report under this subsection shall provide
15 information concerning:

- 16 (1) The quantity of procurements of supplies made from
17 recovered materials;
18 (2) The percentage of post-consumer waste material in
19 those supplies; and
20 (3) Other relevant information about the implementation
21 of this section.

22 (g) For the purposes of this section, the following
23 definitions shall apply, unless the context indicates otherwise:

- 24 (1) 'Recycled content' means materials that have been
25 recycled that are contained in the products or
26 materials to be procured. The term does not
27 include internally generated scrap that is commonly
28 used in industrial or manufacturing processes or
29 waste or scrap purchased from another manufacturer
30 who manufactures the same or a closely related
31 product.
32 (2) 'Post-consumer waste material' means any product
33 that:
34 a. is generated by a business or a consumer;
35 b. has served its intended end use;

c. has been separated from solid waste for the purposes of collection, recycling, and disposition; and
d. does not include secondary waste material."

Sec. 6. G.S. 136-28.4 reads as rewritten:

"§ 136-28.4. State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors, and the use of products with recycled content .

It is the policy of this State to encourage and promote the use of small, minority, physically handicapped and women contractors and the use of products with recycled content, in the construction, alteration and maintenance of State roads, streets, highways, and bridges and in the procurement of materials for such projects. All State agencies, institutions and political subdivisions shall cooperate with the Department of Transportation and all other State agencies, institutions and political subdivisions in efforts to encourage and promote the use of small, minority, physically handicapped and women contractors and the use of products with recycled content in such State construction, alteration, maintenance and procurement."

Sec. 7. Article 2 of Chapter 136 of the General Statutes is amended by adding a ssection to read:

"§ 136-28.5. Preference given to the purchase of products with recycled content.--(a) The Department of Transportation shall review and modify all bid and product specifications so that the specifications do not discriminate against products with recycled content. The Department of Transportation shall give preference:

(1) In the purchase of products, to products with recycled content, and

(2) In contracting for the construction, alteration, and maintenance of State roads, streets, highways, and bridges, to contractors who use products with recycled content

to the extent practicable. A preference shall be deemed practicable if the added cost of using a product with recycled

1 content rather than virgin material is not more than ten percent
2 (10%). The greatest preference shall be given to:

3 (1) Those products, and

4 (2) Those contractors who use products

5 with the highest percentage of post-consumer waste material.

6 (b) The Department of Transportation shall:

7 (1) Request information on supplies that are products
8 with recycled content on solicitations for supplies
9 that could be products with recycled content,
10 including paper products, oil, plastic products,
11 auto parts, compost materials, aggregate,
12 insulation, solvents, and rubber products; and

13 (2) Require contractors to certify the percentage of
14 post-consumer waste material in supplies.

15 (c) The total dollar amount of recycled paper or recycled
16 paper products purchased by the Department of Transportation
17 shall be not less than ten percent (10%) of the paper or paper
18 products purchased on or after January 1, 1991.

19 (d) Any person who believes that a particular product or
20 material with recycled content may be beneficially used instead
21 of another product or material may request the Department of
22 Transportation to evaluate that product or material. The
23 Secretary shall review each reasonable proposal to determine its
24 merit and, if it finds that the product or material may be used
25 beneficially, it may incorporate that product or material into
26 its procurement procedures.

27 (e) The Department of Transportation shall review and revise
28 its procedures and specifications on a continuing basis to
29 encourage the use of products and materials with recycled content
30 and shall, in developing new procedures and specifications,
31 encourage the use of products and materials with recycled
32 content.

33 (f) The Department of Transportation shall report to the
34 Department of Human Resources within 180 days after the end of

1 the fiscal year. A report under this subsection shall provide
2 information concerning:

- 3 (1) The quantity of procurements of supplies made from
4 recovered materials;
5 (2) The percentage of post-consumer waste material in
6 those supplies; and
7 (3) Other relevant information about the implementation
8 of this section.

9 (g) For the purposes of this section, the following
10 definitions shall apply, unless the context indicates otherwise:

11 (1) 'Recycled content' means materials that have been
12 recycled that are contained in the products or
13 materials to be procured. The term does not
14 include internally generated scrap that is commonly
15 used in industrial or manufacturing processes or
16 waste or scrap purchased from another manufacturer
17 who manufactures the same or a closely related
18 product.

19 (2) 'Post-consumer waste material' means any product
20 that:

- 21 a. is generated by a business or a consumer;
22 b. has served its intended end use;
23 c. has been separated from solid waste for the
24 purposes of collection, recycling, and disposition;
25 and
26 d. does not include secondary waste material."

27 Sec. 8. This act shall become effective October 1,
28 1989.

APPENDIX J

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

89-LD-002

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Solid Waste Clearinghouse.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT THAT DESIGNATES THE SOLID WASTE BRANCH IN THE DEPARTMENT
OF HUMAN RESOURCES TO SERVE AS THE CENTRAL CLEARINGHOUSE FOR
INFORMATION REGARDING SOLID WASTE MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-291(a) reads as rewritten:

"§ 130A-291. Solid Waste Unit in Department of Human
Resources. (a) For the purpose of promoting and preserving an
environment that is conducive to public health and welfare, and
preventing the creation of nuisances and the depletion of our
natural resources, the Department of Human Resources shall
maintain an appropriate administrative unit to promote sanitary
processing, treatment, disposal, and statewide management of
solid waste and the greatest possible recycling and recovery of
resources, and the Department shall employ and retain such
qualified personnel as may be necessary to effect such purposes.
This administrative unit shall be designated to serve as the
central clearinghouse for information regarding solid waste
management. This clearinghouse shall maintain information

1 regarding solid waste research and planning, solid waste
2 management practices, markets for recyclable materials, and
3 intergovernmental cooperation. It is the purpose and intent of
4 the State to be and remain cognizant not only of its
5 responsibility to authorize and establish the statewide solid
6 waste management program, but also of its responsibility to
7 monitor and supervise, through the Department of Human Resources,
8 the activities and operations of units of local government
9 implementing a permitted solid waste management facility serving
10 a specified geographic area in accordance with a solid waste
11 management plan."

12 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX K

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

89-LD-006

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Various Solid Waste Ordinances.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT CLEAR THAT A COUNTY AND A CITY HAVE THE
AUTHORITY TO ENACT CERTAIN ORDINANCES REGULATING LOCAL SOLID
WASTE MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S.153A-136 reads as rewritten:

"§ 153A-136. Regulation of solid wastes. (a) A county may by
ordinance regulate the storage, collection, transportation, use,
disposal, and other disposition of solid wastes. Such an
ordinance may:

(1) Regulate the activities of persons, firms, and
corporations, both public and private.

(2) Require each person wishing to commercially collect or
dispose of solid wastes to secure a license from the county and
prohibit any person from commercially collecting or disposing of
solid wastes without a license. A fee may be charged for a
license.

(3) Grant a franchise to one or more persons for the exclusive
right to commercially collect or dispose of solid wastes within

1 all or a defined portion of the county and prohibit any other
2 person from commercially collecting or disposing of solid wastes
3 in that area. The board of commissioners may set the terms of any
4 franchise, except that no franchise may be granted for a period
5 exceeding seven years, nor may any franchise by its terms impair
6 the authority of the board of commissioners to regulate fees as
7 authorized by this section.

8 (4) Regulate the fees, if any, that may be charged by licensed
9 or franchised persons for collecting or disposing of solid
10 wastes.

11 (4a) Require the source separation of materials from solid
12 waste prior to collection of the solid waste for disposal.

13 (4b) Require participation in a recycling program which has
14 been approved by the board of commissioners.

15 (4c) Require the county landfill to accept for disposal only
16 solid waste which was generated in the geographic area which the
17 landfill was specified to serve, as indicated in the permit
18 issued pursuant to Article 9 of Chapter 130A of the General
19 Statutes.

20 (5) Include any other proper matter.

21 (b) Any ordinance adopted pursuant to this section shall be
22 consistent with and supplementary to any regulations adopted by
23 the Department of Human Resources."

24 Sec. 2. G.S. 160A-192 reads as rewritten:

25 "~~§ 160A-192. Regulation of trash and garbage. (a) A city may by~~
26 ~~ordinance regulate the disposal of solid wastes within the city,~~
27 ~~and may require the owners or occupants of houses and other~~
28 ~~buildings to place solid waste in specified places or receptacles~~
29 ~~for the convenience of city collection and disposal, and may~~
30 ~~impose charges for such collection and disposal. A city may by~~
31 ordinance regulate the collection and disposal of solid waste
32 within the city. An ordinance may:

33 (1) Require the owners or occupants of houses and other
34 buildings to place solid waste in specified places or receptacles
35 for the convenience of city collection and disposal;

1 (2) Impose charges for such collection and disposal;

2 (3) Require the source separation of materials from
3 solid waste prior to collection of the solid waste for disposal.

4 (4) Require participation in a recycling program which
5 has been approved by the governing board.

6 (5) Require the city landfill to accept for disposal
7 only solid waste which was generated in the geographic area which
8 the landfill was specified to serve, as indicated in the permit
9 issued pursuant to Article 9 of Chapter 130A of the General
10 Statutes.

11 (b) Any two or more cities, counties, sanitary districts, or
12 any combination thereof, are authorized to enter into contracts
13 and agreements for the joint ownership, construction, operation
14 and maintenance of solid waste collection and disposal systems
15 and facilities. In operating such systems and facilities, the
16 participating units may exercise jointly any power that they
17 might exercise individually with respect to solid waste
18 collection and disposal systems and facilities."

19 Sec. 3. This act is effective upon ratification.

APPENDIX L
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S

D

89-LD-008
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Landfill disposal fees. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT A COUNTY LANDFILL THAT IS A PUBLIC
3 ENTERPRISE HAS CONDITIONAL AUTHORITY TO CHARGE A MUNICIPALITY
4 LOCATED IN THAT COUNTY A SOLID WASTE DISPOSAL FEE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 153A-292 reads as rewritten:

7 "§ 153A-292. County collection and disposal; tax levy. The
8 board of county commissioners of any county is hereby empowered
9 to establish and operate garbage, refuse, and solid waste
10 collection and disposal facilities, or either, in areas outside
11 of incorporated cities and towns where, in its opinion, the need
12 for such facilities exists. The board may by ordinance regulate
13 the use of such garbage, refuse, and solid waste disposal
14 facilities; the nature of the solid wastes disposed of therein;
15 and the method of disposal. Ordinances so adopted may be enforced
16 by any law-enforcement officer having jurisdiction, which shall
17 include, but not be limited to, officers of the county sheriff's
18 department, county police department and the State Highway
19 Patrol. The board may contract with any municipality, individual,

1 or privately owned corporation to collect and dispose, or collect
2 or dispose, of garbage, refuse, and solid waste in any such area
3 provided no county shall be authorized by this Article to levy a
4 disposal fee upon any municipality located in that county ~~if the~~
5 ~~board of commissioners levy a countywide tax on property which~~
6 ~~provides in part for financing such disposal facilities or its~~
7 residents unless the county also levies a similar disposal fee
8 that is clearly designated as a disposal fee upon non-municipal
9 county residents, or upon privately owned corporations or
10 individuals which have contracted with the board to collect solid
11 waste, so that municipal residents are treated equitably . In the
12 disposal of garbage, refuse, and solid waste, the board may use
13 any vacant land owned by the county, or it may acquire suitable
14 sites for such purpose. The board may make appropriations to
15 carry out the activities herein authorized. The board may impose
16 fees for the use of disposal facilities, and in the event it
17 shall provide for the collection of garbage, refuse, and solid
18 waste, it may charge fees for such collection service sufficient
19 in its opinion to defray the expense of collection. Counties and
20 municipalities therein are authorized to establish and operate
21 joint collection and disposal facilities, or either of these,
22 upon such terms as the governing bodies may determine. Such
23 agreement shall be in writing and executed by the governing body
24 of the participating units of local government.

25 The board of commissioners of each county is hereby authorized
26 to levy taxes for the special purpose of carrying out the
27 authority conferred by this section, in addition to the rate of
28 tax allowed by the Constitution for general purposes, and the
29 General Assembly hereby gives its special approval for such tax
30 levies.

31 The board of county commissioners may use any vacant land owned
32 by the county, and it may acquire by purchase or condemnation
33 suitable land for the disposal sites, and in the event
34 condemnation of said lands is necessary, the procedure used shall

1 be that set forth in Chapter 40A of the North Carolina General
2 Statutes.

3 The board may impose fees for the use of the disposal site, and
4 if the county provides for collection services, it shall charge
5 fees sufficient to defray the expense of collection.

6 The board of commissioners of each county is authorized to levy
7 taxes for the special purpose of carrying out the authority
8 conferred by this section, in addition to the rate of tax allowed
9 by the Constitution for general purposes, and the General
10 Assembly hereby gives its special approval for such tax levies.
11 The board of commissioners is authorized to make appropriations
12 from these tax funds, and from nonrevenue funds which may be
13 available. Provided that the county board of commissioners may
14 authorize the erection of a gate across a state- or
15 county-maintained highway leading directly to a sanitary landfill
16 or garbage disposal site which is operated by the county. The
17 gate may be erected at or in close proximity to the boundary of
18 the landfill or garbage disposal site. The cost of the erection
19 of the gate and its maintenance is to be borne by the county, and
20 the gate shall be closed upon authority of the county
21 commissioners."

22 Sec. 2. This act shall become effective October 1,
23 1989.

APPENDIX M

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

SENATE JOINT RESOLUTION 89W-LD-004
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Sponsors: .

Referred to:

1 A JOINT RESOLUTION TO CONTINUE THE WORK OF THE LEGISLATIVE
2 RESEARCH COMMISSION'S COMMITTEE ON SOLID WASTE MANAGEMENT .

3 Whereas, the 1987 Session of the General Assembly
4 authorized the Legislative Research Commission Section 2.1(37) of
5 Chapter 873 of the 1987 Session Laws, to study the management of
6 solid waste in North Carolina; and

7 Whereas, the Solid Waste Management Study Committee has
8 determined that North Carolina faces a crisis in solid waste
9 management in the immediate future; and

10 Whereas, much remains to be done to plan, develop, and
11 implement a comprehensive solid waste management program in North
12 Carolina; and

13 Whereas, the Legislative Research Commission's Committee
14 on Solid Waste Management as begun under Section 2.1(37) Chapter
15 873 of the 1987 Session Laws should be an ongoing study and
16 should continue to examine the entire range of solid waste
17 management issues;

18 Now, therefore, be it resolved by the Senate, the House of
19 Representatives concurring:

1 Section 1. The Legislative Research Commission, as
2 structured by Article 6B of Chapter 120 of the General Statutes,
3 may continue the study of solid waste management issues in North
4 Carolina and the means to finance and implement a comprehensive
5 solid waste management program in North Carolina that will
6 address the need to wisely manage solid waste so as not to
7 jeopardize the quality of North Carolina's air and water or the
8 health of its citizens. This Committee shall ascertain whether
9 the State is meeting its solid waste, management goals, receive
10 reports from counties, and determine whether the counties are
11 achieving any solid waste management goals set for them by the
12 General Assembly.

13 Sec. 2. The Commission shall report its findings and
14 recommendations, including recommendations for needed
15 legislation, to the 1991 General Assembly and may submit an
16 interim report to the 1989 General Assembly (1990 Regular
17 Session).

18 Sec. 3. This resolution is effective upon ratification.

